

1                   IN THE DISTRICT COURT OF THE UNITED STATES  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
                  EASTERN DIVISION

3           UNITED STATES OF AMERICA,           )  
  )  
4                   Plaintiff,                   )     Judge Wells  
  )     Cleveland, Ohio  
5                   vs.                            )  
  )  
6           JAMES A. TRAFICANT, JR.,           )     Criminal Action  
  )     Number 4:01CR207  
7                   Defendant.                   )

8   - - - - -  
9                   TRANSCRIPT OF PROCEEDINGS HAD BEFORE  
10   THE HONORABLE LESLEY WELLS  
11   JUDGE OF SAID COURT,  
12   ON WEDNESDAY, FEBRUARY 20, 2002

13   Jury Trial  
14   Volume 5  
15   - - - - -

16                   APPEARANCES:  
17           For the Government:           CRAIG S. MORFORD,  
  BERNARD SMITH,  
18   MATTHEW KALL,  
  Assistant U.S. Attorneys  
19   1800 Bank One Center  
  600 Superior Avenue, East  
20   Cleveland, Ohio 44114-2600  
  (216) 622-3600

21           For the Defendant:           Pro Se

22                   Official Court Reporter:     Shirle M. Perkins, RDR, CRR  
23   U.S. District Court - Room

24   201 Superior Avenue  
  Cleveland, Ohio 44114-1201  
  (216) 241-5622

25           Proceedings recorded by mechanical stenography;  
transcript                   produced by computer-aided transcription.

777

Jeran - Direct/Kall

A.M.

1 Wednesday Session, February 20, 2002, at 8:30

2 THE COURT: You may proceed.

3 MR. KALL: The Government calls Richard  
4 Jeran, your Honor.

5 RICHARD JERAN,  
6 of lawful age, a witness called by the RICHARD  
JERAN,

7 being first duly sworn, was examined

8 and testified as follows:

9 DIRECT EXAMINATION OF RICHARD JERAN

10 BY MR. KALL:

11 Q. Could you please state your name and spell your  
last name?  
12

13 A. Richard R. Jeran, J-E-R-A-N.

14 Q. What do you do for a living?

15 A. I am a retired educator, secondary school  
principal.

16 Q. How long have you been retired?

17 A. Since 1987.

18 Q. Mr. Jeran, do you know a man named Henry  
DiBlasio?

19 A. Yes, I do.

20 Q. How do you know him?

21 A. I became involved with Attorney DiBlasio back in  
22 1959. I had a case against a contractor who built our  
23 home, and he was the attorney who handled the case.

just

24 Q. Has your relationship with Mr. DiBlasio always  
25 been attorney-client?

1 A. No. As the years went on, he and I became  
friends,  
2 and I went to school and picked up a real estate  
license  
3 and I became involved with him as he was a broker,  
real  
4 estate broker for Newport Realty so he held my  
license.  
5 Q. You mentioned a company named Newport Realty, is  
that  
6 a business that you started with Mr. DiBlasio?  
7 A. No. He had that Newport Realty, being a lawyer.  
I  
8 understood that in the State of Ohio, if you were an  
9 attorney, you could be a broker, and he had this  
license  
10 for many, many years. But he was never very active.  
11 Q. What was your role with Newport Realty?  
12 A. I was a sales agent, and we both worked it a  
very,  
13 very little, I being the principal of a school, and he  
14 being an attorney, and all the years that I was  
associated  
15 with him, I don't think we had more than -- or we  
probably  
16 had less than six different sales in all that time.  
17 Q. The six sales you mentioned, were there any  
18 commercial sales, or were they residential properties?  
19 A. Mostly residential and one commercial.  
20 Q. Did Newport Realty get involved with managing or  
21 operating any pieces of property?

22 A. Not that I can recall.

23 Q. I'd like to ask you some questions about a  
building

24 at 11 Overhill Road in Boardman. Are you familiar  
with

25 that building?

1 A. Yes.

2 Q. How did you first become familiar with it?

3 A. Well, that's the building that Attorney DiBlasio  
had

4 his office, and that's the building that he owned.

5 Q. Did Attorney DiBlasio ever ask you to have any  
6 involvement with the building at 11 Overhill?

7 A. Yes, he did. When he became involved with the  
8 Congressman, he told me that he could not own the  
building

9 and be part of the Congressman's staff. He said that  
he

10 had no one else to ask, and he asked me if I would put  
our

11 name on the building. I was very reluctant to do  
that. He

12 assured me that everything would be on the up and up  
and

13 everything handled judiciously, and I agreed to do it.

14 Q. You said put our name on the building. Who's  
the

15 "our"?

16 A. My wife.

17 Q. And yourself?

18 A. Yes.

19 Q. If you'd look down in front of you, there's a  
number

20 of documents. I believe the second one is marked  
21 Government's Exhibit 1-11. Did you find that  
document?

22 A. Yes.

23 Q. Do you recognize this document?

24       A.     Yes, I do.

25       Q.     What is it?

Jeran - Direct/Kall

1 A. This is the document for the building.

2 Q. Doing what with the building?

3 A. Transferring it over to me, to my wife.

4 Q. From?

5 A. Henry DiBlasio.

6 Q. When was this document executed?

7 A. It looks like January 17, 1985.

8 Q. Are you aware when Congressman Traficant took  
office

9 as Congressman?

10 A. No, I don't.

11 Q. Okay.

12 Did you pay anything for the building, Mr.  
Jeran?

13 A. No, I did not.

14 Q. Did you ever make any mortgage payments to any

15 mortgage company for the building?

16 A. Attorney DiBlasio handled all the finances as  
far as

17 the building was concerned. When he asked me to put  
our

18 name on the building, he said I wouldn't have to worry

19 about anything. He would take care of all the  
finances of

20 the building and all the operation of the building. I  
was

21 nothing more than a figurehead.

22 Q. How long did you have the building in your name?

23 A. I can't recall. The records probably will show.



having	24	After several years, we became very uncomfortable
Henry	25	our name on that building, and I asked the -- asked

he did 1 DiBlasio to remove our name from the building, which  
2 immediately.  
3 Q. If you could please turn to the next exhibit, it  
this 4 would be Government's Exhibit 1-12. Do you recognize  
5 exhibit?  
6 A. No, I do not.  
exhibit? 7 Q. Does your name appear at the top of this  
8 A. Yes.  
9 Q. Is the exhibit dated?  
10 A. Is this 1-12?  
11 Q. Yes.  
12 A. Yes, it's dated January 31st at the recorder's  
13 office, 1992.  
14 Q. If you could take the exhibit, it's in a little  
the 15 plastic sheet, if you could take it out and turn to  
16 second page, it comes out from the top.  
17 On the second page, do you see lines that say  
Richard 18 R. Jeran and Theresa B. Jeran?  
19 A. Yes.  
20 Q. Is that your signature on there?  
21 A. I don't recall ever signing this document.  
you 22 Q. Does that appear to be your signature, or can't  
23 say for sure?  
24 A. That doesn't appear to be my signature.

your 25 Q. Can you explain how your signature then -- or

appear 1 name and what purports to be your signature came to  
2 on this document?  
3 A. Well, if I didn't sign it, somebody else did.  
collected the 4 Q. When the building was in your name, who  
5 rent?  
the 6 A. I had nothing to do with any of the finances of  
7 building, nothing at all. I've never seen anything at  
all. 8 The Government checks that came in for the building,  
some 9 of them I endorsed and just gave to the secretary, and  
that 10 was the end of it.  
11 Q. To whom did you endorse the checks?  
12 A. To sign my name.  
13 Q. Do you know who the checks were given to?  
14 A. I have no idea. The secretary took care of  
that. 15 Q. Whose secretary?  
16 A. Henry DiBlasio's secretary.  
17 Q. Who was in charge of negotiating the leases for  
the 18 building?  
19 A. Henry DiBlasio.  
20 Q. Who paid the utilities on it?  
21 A. He did.  
22 Q. Mr. DiBlasio?  
23 A. Mr. DiBlasio did.

- 24 Q. Who paid for things like new carpeting?
- 25 A. Mr. DiBlasio made all those arrangements.

1 Q. Did tenants ever call you when there were any  
2 problems with the building?

3 A. No.

4 Q. Other than signing that -- other than having the  
5 building in your name, did you have any involvement  
with  
6 the operation of the building?

7 A. None whatsoever.

8 Q. At any time in which this building was in your  
name,  
9 did you receive any monies from Mr. DiBlasio?

10 A. Not at all, I did not.

11 Q. You indicated that you and your wife asked Mr.  
12 DiBlasio to take the billing out of your name at some  
13 point; is that correct?

14 A. That's correct.

15 Q. When that happened, did you receive any money as  
a  
16 result of the sale of the building?

17 A. Absolutely not. In fact, I didn't know when the  
18 building was sold until just recently in the witness  
room.

19 I found out who the man was that took over the  
building for  
20 me.

21 Q. Prior to that --

22 A. I never knew who it was.

23 Q. At the time that the building was sold, did it  
have

24 any tax effects on you?

25 A. Yes, it did.

1 Q. Could you explain that, please?

2 A. Each year, I would receive from Henry DiBlasio,

3 Attorney DiBlasio, a list of all of the expenses for  
the

4 building, any money that was spent on the building,  
and

5 when I filled out my IRS statements, why, I took it to  
a

6 CPA, and I gave it to him, and he, of course, did  
whatever

7 was necessary to fill out the forms. When the  
building was

8 sold, the CPA told me that IRS wants \$5 or \$6,000 from  
the

9 sale of the building. So I went to Attorney DiBlasio,  
and

10 I said to him, I said, you're going to have to come up  
with

11 this money because this is what they want.

12 He wrote me a check for that amount, and of  
course, I

13 used that as part of the payment that I owed to IRS  
taxes.

14 Q. Other than receiving that \$6,000 to cover the  
taxes,

15 did you receive any money from Mr. DiBlasio?

16 A. At no time.

17 MR. KALL: Just a moment.

18 No further questions, your Honor.

19 THE COURT: Congressman, you may  
inquire.

20 CROSS-EXAMINATION OF RICHARD JERAN

21 BY MR. TRAFICANT:



- 22 Q. Good morning, Richard.
- 23 A. Good morning, Jim.
- 24 Q. How are you doing?
- 25 A. Fine, thank you. How are you?

1 Q. I could do better. Good to see you.

2 The Government asked you a number of questions.

In

3 the beginning, you evidently had conversation with

Henry

4 DiBlasio?

5 A. Yes.

6 Q. Relative to the status of ownership of this

building;

7 is that correct?

8 A. That's correct.

9 Q. Okay. Now, when you discussed that with Mr.

10 DiBlasio, did he and you discuss the fact that there

were

11 certain Government rules and regulations that had to

be

12 met?

13 A. Yes. The only thing I understood was that he

could

14 not own the building if he was going to be on his

staff and

15 receive rental payments for that building.

16 Q. And when this conversation came about, was it

about

17 the time I was elected, is that --

18 A. Pardon me?

19 Q. When this conversation occurred or these types

of

20 conversations were happening, is that when I had been

21 elected Congressman for the first time?

22 A. Yes, that's correct.

you 23 Q. Yes. And then did Henry DiBlasio confer with  
discussed 24 that he had called the House Ethics Committee and  
25 this with the Government authority?

1 A. I don't recall that.

2 Q. Did you ever ask him that?

3 A. No, so --

4 Q. So Mr. DiBlasio says I can't have it in my name,

5 you're my friend, and I have to put it in somebody's

name,

6 will you participate, will you do this?

7 A. That's correct.

8 Q. And you did have reservations?

9 A. Yes, I did.

10 Q. Did you go forward finally because of your past

11 relationship with Mr. DiBlasio and your reputation of

him

12 and, in fact, he represented you?

13 A. He was a trusted friend.

14 Q. He was a trusted friend?

15 A. Yes.

16 Q. Okay. So then you not only signed it, you

agreed to

17 have your wife sign it?

18 A. Right.

19 Q. And you understood from the beginning that you

would

20 not be getting any money; is that correct?

21 A. That's correct.

22 Q. And you didn't ask for any money, did you?

23 A. No, I did not.

24 Q. And you did this as a courtesy for him to meet

the

that 25 rules and regulations that he was subjected to; is

1 correct?

2 A. That's correct.

3 Q. Okay. And at some particular point, the  
building was

4 sold; is that correct? No, at some particular point,  
you

5 said you wanted your name off?

6 A. That's correct.

7 Q. Is that about the time the building was sold to

8 someone else?

9 A. Well, as I recall -- and I don't recall the  
exact

10 date -- I went to him, and I said we want our name off  
the

11 building, and there was no two ways about it. He knew  
how

12 I felt about it, and he made arrangements to get  
someone

13 else to put their name on the billing.

14 Q. But did he ever, you know, contest that, or did  
you

15 have any arguments or anything?

16 A. No, no.

17 Q. And was he completely agreeable to do that for  
you?

18 A. Yes.

19 Q. Yes. All right.

20 Were there not, in fact, times you came in early  
in

21 the morning I'd be there washing my car?

22 A. Right.

23 Q. Were there times when I --

times I

24        A.     Or I'd be washing my car.

25        Q.     Yes, I was just going to say.  And was there

1 even washed your car?

2 A. Well, I don't remember that.

3 Q. Were there times you washed my car?

4 A. Yes, there were times.

5 Q. But, it was very early in the morning, wasn't  
it?

6 A. Yes.

7 Q. And was it not a fact Mr. DiBlasio as well was  
there

8 as well?

9 A. I don't know. I don't recall. He may have been

10 there.

11 Q. Okay. But normally, Mr. DiBlasio and I would  
meet

12 when I was in town on the weekends to the best of your

13 knowledge when you were there?

14 A. To the best of my knowledge.

15 Q. Okay.

16 You and Mr. DiBlasio still friends?

17 A. I have not had any contact with Mr. DiBlasio for

18 years and years and years.

19 Q. Was there a falling out?

20 A. No, it just happened. Once I was out of the  
21 building, and that was the end of it. We didn't have  
too

22 much in common.

23 Q. You didn't have all that much in common other  
than



24 the fact he previously had represented you, right?

25 A. That's correct.

1 Q. Okay.

2 Now, at some particular point you were notified  
by

3 the Internal Revenue Service, hey, Buddy, you owe us  
some  
4 money?

5 A. That's right.

6 Q. You were involved in a transaction with a piece  
of  
7 property here, and you owe us -- what is it? --  
\$6,000?

8 A. I think it was \$5 or \$6,000, I don't recall  
exactly.

9 Q. And what, if anything, did you do? Did you  
confer  
10 with your wife?

11 A. Pardon me?

12 Q. Did you confer with your wife at that time?

13 A. Yes, I told her.

14 Q. And what did you two decide to do?

15 A. At that time, I told her I was going to go see  
16 Attorney DiBlasio and tell him he had to come up with  
that  
17 money.

18 Q. Okay. And did you go see Mr. DiBlasio?

19 A. Yes, I did.

20 Q. Was there any reservation on Mr. DiBlasio's part  
to  
21 pay the taxes?

22 A. No.

23 Q. Did he pay the taxes?

24       A.     Yes, he did.

25       Q.     Did he write the check to you?

1 A. He wrote the check to me.

2 Q. Okay.

3 Did you, in fact, then go back to your CPA and  
let  
4 him know that, in fact, this transaction had occurred?

5 A. I don't recall. The forms were already made

6 I showed Attorney DiBlasio the forms, and so that he  
knew

7 exactly where I was coming from.

8 Q. Okay.

9 But, in any regard, at some point, you -- you  
recall

10 if it was you or your CPA that sent the money and the  
forms

11 to the Internal Revenue Service?

12 A. I sent them in.

13 Q. You sent them yourself.

14 Was this any return from the Internal Revenue  
Service

15 relative to that action?

16 A. I don't recall.

17 Q. Well, did they call you on the phone and -- or  
did

18 they write you any further letters regarding that?

19 A. No.

20 Q. Was the matter as far as that was concerned moot  
and

21 dead?

22 A. Yes, it was.

23 Q. Okay. Now, having said that and when you went  
to Mr.

24 DiBlasio, was he courteous?

25 A. Yes. I was a little upset that he had to come

up

1 with the money, but he agreed.

the

2 Q. I mean, you didn't want to see him have to pay

3 money, did you?

pay

4 A. No, I didn't want to see it. I didn't want to

but

5 the money, and I was unhappy he had to pay the money,

6 that's what the IRS wanted.

that

7 Q. Well, there was a legal obligation, and you had

8 agreed to sign on into an agreement of ownership; is

just in

9 correct? Was it in the form of a trust, or was it

10 you and your wife's name?

11 A. In my -- me and my wife's name.

12 Q. So you were technically the owners?

13 A. That's right.

would

14 Q. But you understood from the beginning that you

15 have no financial responsibilities?

16 A. That's correct.

17 Q. You would not have to pay the utilities?

18 A. Right.

damages,

19 Q. You would not be liable for any accidents,

20 or repairs?

21 A. That's right.

effect?

22 Q. You had insurance and protections to that

23 A. I don't know. Henry handled everything.

24 Q. Okay.

25 A. As far as the insurance on the building or any -

-

1 anything else referring --

2 Q. But you had use of the building, did you not?

3 A. Yes, I did.

4 Q. And you would come in and, for example, wash  
your  
5 car?

6 A. Right.

7 Q. Or you might make repairs on the car?

8 A. Well, I don't know about --

9 Q. Or whatever, minor things on your car. You  
would do  
10 that, wouldn't you?

11 A. Sure.

12 Q. And you had access to the rooms where you could  
get  
13 the materials you needed to do whatever you wanted to  
do?

14 A. That's true. I had a key to the building.

15 Q. Yeah.

16 And you could come and go as you please?

17 A. That's correct.

18 Q. And no one ever stopped you?

19 A. No.

20 Q. Do you know that I maintained an office there?

21 A. Yes, I do.

22 Q. But you were concerned about the propriety of  
this,  
23 was that your concern, how it looked, how it appeared?

24 A. Yes.



don't

25

Q. Okay. And at some point, you said look, why

1       you get somebody else? Was that about the way it was?

2       A.     That's the way it was.

3       Q.     Okay. And there was no objection to that?

4       A.     No.

5       Q.     Okay.

6       Did Henry DiBlasio ever threaten you in any way?

7       A.     No.

8       Q.     Did he try to intimidate you to keep you on?

9       A.     No. In fact, he wrote me a letter, and he  
thanked me

10      for our having our name on the billing after we  
decided

11      that we no longer wanted it on the building.

12      Q.     But when you first started, he assured you that  
he

13      had made some calls relative to ownership of the  
building;

14      is that correct?

15      A.     Explain that.

16      Q.     Well, when you first got this thing started,  
when it

17      generated in the beginning, he explained he couldn't  
own

18      it, right?

19      A.     Right.

20      Q.     There were some rules?

21      A.     Right.

22      Q.     And that's why he then asked you if you would  
then

23      put the building in your name to satisfy the  
requirements

24       that he had to meet?

25       A.     That's correct.

point? 1 Q. And you went willingly and knowingly at that

2 A. Reluctantly.

3 Q. Went along, even though it was reluctant?

4 A. Right.

discussion 5 Q. But at some point, you and your wife had a

6 about the reluctance. Is that a correct statement?

beginning. 7 A. We both felt uncomfortable from the very

8 Q. Okay. But at some point, you came to a

decision? 9 A. That's correct.

10 Q. And what was that decision?

11 A. We no longer wanted our name associated with the

12 building.

were 13 Q. But I'm talking now about the beginning. You

beginning 14 also a little bit -- you said reluctant at the

15 when he first talked to you, were you not?

16 A. Yes.

your 17 Q. And at that time, I assume you conferred with

18 wife?

19 A. Yes, I did.

20 Q. And did you two discuss this reluctance?

21 A. Yes, we did, and I said look, he's -- I've known

going to 22 Henry since 1959, he's a personal friend, and I'm

23       do this as a favor for him.

24       Q.     And your wife agreed?

25       A.     Right.

## Jeran - Recross

1 Q. And you -- you did this as a favor for him?

2 A. That's correct.

3 Q. And you expected nothing?

4 A. That's correct.

5 Q. And you were promised nothing?

6 A. Right.

7 MR. TRAFICANT: No further questions.

8 THE COURT: Thank you.

9 REDIRECT EXAMINATION OF RICHARD JERAN

10 BY MR. KALL:

11 Q. Mr. Jeran, aside from what was written on this  
piece

12 of paper, Exhibit 1-11, who was at all times the real  
true

13 beneficial owner of the property at 11 Overhill?

14 A. Would you repeat that?

15 Q. Setting aside what may be written on this piece  
of

16 paper, who was the true beneficial owner of the  
building at

17 11 Overhill?

18 A. Attorney DiBlasio.

19 MR. KALL: No further questions.

20 THE COURT: Thank you.

21 RECROSS-EXAMINATION OF RICHARD JERAN

22 BY MR. TRAFICANT:

23 Q. You have that document in front of you, Mr.  
Jeran?

24 A. Which one is that, sir?

25 Q. Exhibit 1-11?



1 A. Yes.

2 Q. You're not a lawyer, are you?

3 A. No, sir, I'm not.

4 Q. Can I look at that -- can we look at that  
together?

5 A. Yes.

6 Q. Who on this document is listed?

7 A. Me and my wife.

8 Q. And did you know when you signed that you would  
be

9 listed as the owner of that building?

10 A. Yes.

11 MR. TRAFICANT: Thank you, Richard. No

12 further questions.

13 MR. KALL: We have nothing further for  
this

14 witness, your Honor.

15 THE COURT: Sir, thank you very much.  
You

16 may step down.

17 THE WITNESS: Thank you.

18 MR. KALL: Government calls Nicholas

19 Chuirazzi.

20 THE COURT: Thank you

21

22

23

24

25





Chuirazzi - Direct/Kall

1                               NICHOLAS CHUIRAZZI,  
2           of lawful age, a witness called by the NICHOLAS  
CHUIRAZZI,  
3                               being first duly sworn, was examined  
4                               and testified as follows:  
5                               DIRECT EXAMINATION OF NICHOLAS CHUIRAZZI.  
6                               THE COURT: Will you speak up loudly so  
7           everyone can hear you?  
8                               THE WITNESS: Okay  
9           BY MR. KALL:  
10          Q.     Could you please state your name and spell your  
last  
11          name?  
12          A.     My name is Nicholas Chuirazzi, C-H-U-I-R-A-Z-Z-  
I.  
13          Q.     Do you normally go by a nickname?  
14          A.     Yes, Gigs G-I-G-S.  
15                               MR. TRAFICANT: Pardon? I didn't hear  
that.  
16                               THE WITNESS: Gigs, G-I-G-S.  
17          Q.     Mr. Chuirazzi, what do you do for a living?  
18          A.     I was -- my last occupation was a trucking  
business  
19          for the last 25, 30 years.  
20          Q.     What are you doing now?  
21          A.     I'm retired.  
22          Q.     Do you know a man by the name of Henry DiBlasio?  
23          A.     Yes, I do.  
24          Q.     How did you come to meet Mr. DiBlasio?

was

25

A. Mr. DiBlasio was an attorney for the company I

1 working for, which was Santizzi Trucking Company.

2 Q. Approximately when did you meet him?

3 A. About in the middle 70's, to late 70's.

4 Q. Mr. Chuirazzi, are you familiar with a company  
called

5 Trumbull Land Company?

6 A. Yes, I do.

7 Q. What is it?

8 A. It's a licensed company that was set up to run a

9 rental deal for an office for Overhill Avenue.

10 Q. When was that set up?

11 A. In approximately early 90's.

12 Q. Who set it up?

13 A. Henry DiBlasio.

14 Q. What was your role, if any, with Trumbull Land

15 Company?

16 A. Only thing I was supposed to be president of the

17 company, and that's all I did.

18 Q. As president of this company, what involvement  
did

19 you have in this operation?

20 A. Nothing.

21 Q. When did Mr. DiBlasio ask you to get involved  
with

22 Trumbull Land Company?

23 A. It was in the early 90's, sir. It was that  
date, I

24 know.

involved? 25

Q. Did he tell you why he wanted you to become

Chuirazzi - Direct/Kall

1 A. He said that he was right in an office where  
2 Mr. Traficant was, and he could not be the owner of  
the  
3 building to rent -- to collect the rent from. And he  
asked  
4 me if he would -- if I would take the responsibility  
of  
5 renting -- having this rental go through Trumbull Land  
6 Company.

7 Q. If you look down in front of you, there is a  
number  
8 of pieces of paper. You find one labeled Government's  
9 Exhibit 1-12 on the yellow sticker?

10 A. Yes.

11 Q. Do you recognize this document?

12 A. No, I don't.

13 Q. There's an address listed on there of 357 Warren  
14 Avenue, Southeast. Do you recognize that address?

15 A. Yes, that's my home address.

16 MR. TRAFICANT: Excuse me. What was  
that  
17 address?

18 THE WITNESS: 3571 Warren Avenue,  
Vienna,  
19 Ohio, 44473.

20 Q. Do you see the company named Trumbull Land  
Company on  
21 there, just above the address?

22 A. Yes, I do.

23 Q. When?

24 THE COURT: Excuse me. Excuse me, would  
you

25 state the town again for the reporter so she --

800

Chuirazzi - Direct/Kall

1 A JUROR: V-I-E-N-N-A.

2 MR. TRAFICANT: Excuse me, your Honor.

Would

3 the -- would the Prosecutor speak up a little bit too

so I

4 can hear the questions?

5 THE COURT: Thank you.

6 BY MR. KALL:

correct?

7 Q. You were president of Trumbull Land Company,

8 A. Yes, sir.

9 Q. But you're stating you never saw this document?

10 A. No, I didn't.

dated

11 Q. From the time period -- well, this document is

12 January 31, 1992, correct?

13 A. Yes, it is.

Trumbull

14 Q. From that time forward, do you know how long

15 Land Company owned the building at 11 Overhill?

16 A. No, I didn't know.

was

17 Q. Do you know whether the building at 11 Overhill

Company?

18 transferred out of the name of the Trumbull Land

19 A. I do now, but I didn't at that time.

20 Q. How do you know now?

had

21 A. Because when I was -- had a visit by FBI, they

22 told me it was sold, that he was investigating me.

have

23 Q. Prior to the time that that happened, did you



24           any involvement in the operation of 11 Overhill?

25           A.     No, I didn't.



Chuirazzi - Direct/Kall

1 Q. Who negotiated the leases for 11 Overhill?

2 A. Mr. DiBlasio.

3 Q. Who collected the rent for 11 Overhill?

4 A. Mr. DiBlasio.

5 Q. Who paid the utilities on 11 Overhill?

6 A. Mr. DiBlasio.

7 Q. Did Trumbull Land Company, to your knowledge,  
ever

8 receive any money as a result of its owning the  
building on

9 paper at 11 Overhill?

10 A. No, sir.

11 Q. I'm going to ask you to turn to Exhibit 1-17.  
Do you

12 recognize this document?

13 A. No, I don't.

14 MR. TRAFICANT: What document is that?

15 MR. KALL: Government's Exhibit 1-17.

16 Q. The name Trumbull Land Company and the address  
357

17 Warren Avenue Southeast appears on this document,  
correct?

18 A. Yes, it does.

19 Q. Did you ever see this document prior to the  
20 investigation beginning?

21 A. No, sir.

22 Q. Did you ever receive any funds from the United  
States

23 House of Representatives for rent on the building?

24 A. No, I never did.

the

25

Q. Did you ever see any payments for utilities from

Chuirazzi - Direct/Kall

1 House of Representatives for the building?

2 A. No, I didn't.

3 Q. Did you ever get any paperwork in the mail at  
your

4 home at 357 Warren Avenue about the building at 11

5 Overhill?

6 A. When it was first opened, the first couple  
checks

7 came to my house, and I was brought right from the  
same

8 envelopes Mr. DiBlasio's office, never opened them up,  
and

9 I told him at that time, he had told me that  
everything

10 would be mailed right to his office on Overhill, and  
about

11 after the third time, I never did see him again.

12 Q. I'll ask you to flip forward to Exhibit 1-22.

13 MR. TRAFICANT: Could we sort of slow  
down a

14 little bit in the questioning so I can keep up with  
the

15 numbers here?

16 THE COURT: Congressman, did you bring  
your

17 exhibits today?

18 MR. TRAFICANT: Your Honor, I don't have

19 these exhibits.

20 THE COURT: But you were given these

21 exhibits. We've been over that again and again. You  
need

22 to bring your exhibit books to the courthouse.

have 23 MR. TRAFICANT: I know that. I don't

24 them with me. I will bring them in the future. I

25 apologize.

803

Chuirazzi - Direct/Kall

1 THE COURT: Thank you.

slow

2 MR. TRAFICANT: I just ask maybe we can

just

3 the questions down so that even though if I had the  
4 exhibits, I could prepare some cross-examination. I'm

5 asking for the Prosecutor to maybe slow down his  
6 questioning so I can hear him.

the

7 THE COURT: Right. But, we also need

your

8 trial to go forward in an orderly way, and if you had  
9 exhibits, we wouldn't need to slow it down.

10 MR. TRAFICANT: I agree and apologize.

11 BY MR. KALL:

12 Q. Do you have Exhibit 1-22 in front of you now?

13 A. Yes, I do.

top, and

14 Q. If you'd take it out of the plastic from the

line

15 turn to the second page of that exhibit, do you see a

by

16 on the second page that says "Trumbull Land Company

17 Nicholas Chuirazzi, President"?

18 A. Yes, I do.

19 Q. Is that your signature on that line?

20 A. No, it isn't.

21 Q. Did you ever sign any paperwork involving the  
22 building?

23 A. No, I didn't.

your

24 Q. Can you explain how your -- what purports to be  
25 signature came to appear on this document?



power of 1 A. I didn't sign it. What I thought it was the  
2 attorney to Mr. DiBlasio, he was going to sign all the  
going 3 papers, that was what he was, he had told me, he was  
4 to do.

to a 5 Q. This document purports to transfer the building  
6 Kimberly A. Sinclair. Did you receive any money as a  
7 result of this transfer?

8 A. No, I didn't.

was 9 Q. Did you even know at the time that this document  
10 dated that the building was sold?

11 A. No, I didn't.

building 12 Q. Do you know who handled the details of the  
13 sale?

14 A. No, I don't.

15 MR. KALL: Just a moment, your Honor. No  
16 further questions at this time.

17 THE COURT: Thank you. Congressman

18 CROSS-EXAMINATION OF NICHOLAS CHUIRAZZI

19 BY MR. TRAFICANT:

20 Q. Good morning, Mr. Chuirazzi.

21 A. Good morning.

22 Q. Could I call you Gigs?

23 A. Yes, you could.

24 Q. Do we know each other?

25      A.      No.

1 Q. Have we ever previously met?

2 A. No, we never did.

3 Q. You were in the trucking business?

4 A. Yes, I am.

5 Q. My dad was a trucker. Did he work for you?

6 A. No, he didn't.

7 Q. You work for the Santizzi Corporation?

8 A. Yes, I did.

9 Q. And that's where you met Attorney DiBlasio?

10 A. Yes.

11 Q. Could you describe what Mr. DiBlasio did for the

12 Santizzi Corporation?

13 A. He did all of their legal paperwork, leases,  
anything

14 that had to be legal papers had to go through Henry  
15 DiBlasio.

16 Q. Was the company satisfied with Mr. DiBlasio, to  
the

17 best of your knowledge?

18 A. Pardon? I didn't hear you?

19 Q. Was the company satisfied to the best of your  
20 knowledge --

21 A. Yes.

22 Q. -- with his services?

23 A. Yes, it was.

24 Q. Did you ever have occasion to talk with him  
while he

25 was their attorney?



1 A. Yes.

2 Q. Did he ever represent you in any matters that  
you had?

3

4 A. Personally?

5 Q. Yes.

6 A. No.

7 Q. Did you ever ask him for legal advice on any  
8 occasions?

9 A. Not for personal, no, just strictly always the  
10 business.

11 Q. Always business?

12 A. Yes.

13 Q. Would you consider yourself to be a friend of  
Mr. DiBlasio?

14

15 A. Well, you knew people that long, you could be a  
16 friend, yes.

17 Q. You knew him how many years?

18 A. I would say approximately 20 years maybe.

19 Q. Had Mr. DiBlasio ever done anything that made  
you suspect him to be of an untrustworthy nature?

20

21 A. No, not that I know of.

22 Q. Now, there come a time when Mr. DiBlasio came to  
you and said that he had a situation involving ownership  
of the building, 11 Overhill Road; is that correct?

23

24

25 A. Yes.



1 Q. And you recall that conversation?

2 A. He told me he'd like to know if I would do him a

3 favor by having that property, that he would put it  
into a

4 land company so that actually when -- that he would be  
able

5 to still be able to cut the rent for the building that  
he

6 was renting to the House of Representatives.

7 Q. Did he say there were certain rules and  
regulations

8 that prevented him from having his name on it, do you

9 recall that?

10 A. The only thing he said, him being a  
Representative,

11 that he could not have it in his name.

12 Q. I see. So you at that point then engaged in

13 conversation relative to whether or not you would  
become a

14 part of Trumbull Land Company?

15 A. I didn't follow your question.

16 Q. You at that point then were asked to become a  
part of

17 what was to become known as Trumbull Land Company?

18 A. Yes.

19 Q. And did you have reservations?

20 A. Reservations?

21 Q. Yes.

22 A. No.

23 Q. No? You trusted Mr. DiBlasio?

24       A.     Yes, I did.

25       Q.     You knew the situation he was in?



1 A. Oh, yes, I did, yes, but he had told me at that  
time  
2 that it was something that was okay through the  
Government,  
3 and that he was told that he could do it that way?  
4 Q. So you had no worries or concerns at that point?  
5 A. No, I didn't.  
6 Q. And you willfully and knowingly and with  
complete  
7 cognizance and intent, you went forward?  
8 A. Yes.  
9 Q. So you became known as the President of Trumbull  
Land  
10 Company?  
11 A. Yes.  
12 Q. And you signed your name to that effect?  
13 A. Only thing I ever signed was a power of  
attorney.  
14 Q. So you signed the power of attorney that  
empowered  
15 Mr. DiBlasio to conduct the business?  
16 A. I signed my name, yes.  
17 Q. You empowered Mr. DiBlasio to collect the rent?  
18 A. Yes.  
19 Q. You empowered Mr. DiBlasio to operate and manage  
the  
20 building?  
21 A. Yes.  
22 Q. You empowered Mr. DiBlasio to make any decisions  
23 relative to 11 Overhill Avenue?

24  
decision. He

A. Well, meaning he never asked me for any

25 went ahead and done what I asked him.

1 Q. But you gave him the authority to do that?

2 A. Well, that piece of paper means that, yes.

3 Q. Yes. And you also empowered him through your  
power  
4 of attorney to even sign your name; is that correct?

5 A. Yes.

6 Q. Now, when you came to find out there was a sale  
of  
7 the building, how did you come to find that out?

8 A. It was when I was being asked to investigate,  
come  
9 down and visit me about the situation, the year of  
2000.

10 Q. And who came to you?

11 A. Federal agent.

12 Q. Do you remember the name of that agent?

13 A. Householder.

14 Q. Okay.

15 You know if he happens to be in the room here?

16 A. Not that I know of, no.

17 Q. Would you remember him if you would see him?

18 A. Probably not because I only seen him within the  
time,  
19 probably not.

20 Q. Do you know if he took notes?

21 A. Yes, he did.

22 Q. Did he ask to audio or videotape your  
conversation?

23 A. No, he didn't. He was listening.

24 Q. Did he state who and what he was investigating?

25      A.      Yes.

1 Q. And what was he investigating?

2 A. He was investigating Mr. Traficant.

3 Q. He was investigating Mr. Traficant?

4 A. Yes. And he asked me if I knew anything about a

5 Trumbull Land Company.

6 Q. And then were you asked a series of questions

about 7 whether or not Jim Traficant was involved with

anything to 8 do with Trumbull Land Company?

9 A. No. Only thing he ever asked me was if I knew

of a B 10 and T Trucking Company, and I told him only thing I

knew 11 was the name, and they weren't in the same kind of

business 12 I was in in trucking.

13 Q. Okay. So he said he was not there investigating

Mr. 14 DiBlasio?

15 A. He was investigating Trumbull Land Company.

16 Q. In regards to?

17 A. The rental of Trumbull Land Company.

18 Q. As it related to?

19 A. You.

20 Q. Jim Traficant. So clearly, you knew at that

point 21 that I was their target; is that correct?

22 A. Well, I guess.

23 Q. Was that a yes?

24       A.     I guess, yes.

25       Q.     Okay.

that 1 Now, you said you came to learn at some point

2 the property was sold?

3 A. Yes.

the 4 Q. How did you come to -- and you learned that from

5 FBI agent, right?

6 A. Yes, that it was sold, yes.

property? 7 Q. Who did the FBI agent tell you bought the

8 A. He didn't tell me. He did not tell me.

property, 9 Q. Okay. When did you find out who bought the

10 if, in fact, you did ever find out?

11 A. Well, by reading it in the paper.

12 Q. What did you find out through the paper?

13 A. Just that there was a Sinclair had bought it.

14 Q. Pardon?

15 A. That a Sinclair -- someone Sinclair bought the

16 property.

17 Q. Do you know who the Sinclairs were?

18 A. No, I don't.

Attorney 19 Q. Do you know if they were law associates of

20 DiBlasio?

21 A. They were in the same building, yes.

22 Q. And you knew they were law partners?

same 23 A. Well, that I did not know, but he was in the

24 building.

25  
knowledge,

Q. Okay. And that who, to the best of your



building? 1 owned the building after Mr. DiBlasio owned the

2 A. To my knowledge, it was the Sinclairs.

3 Q. You say the Sinclairs?

4 A. Yes, or Sinclair period.

5 Q. Did they say man, woman, boy, whom?

6 A. They said a woman.

7 Q. Said a woman?

8 A. Yes.

9 Q. Do you know who the woman was?

it 10 A. No. I didn't know it, but I found out later who

11 was.

later? 12 Q. Well, what did you learn, come out to find out

13 A. I didn't follow you there.

14 Q. What did you learn?

15 MR. KALL: Objection.

was? 16 Q. What did you find out later who the woman really

17 A. When did I find out?

18 Q. Yes.

19 MR. KALL: Objection.

20 THE COURT: Overruled. You can answer.

21 THE WITNESS: I read it here in the

22 newspaper.

23 Q. You read it in the newspaper?

24 A. Yeah.

what 25 Q. When you read the name, you recall having read



1 the name was?

2 A. No, I don't.

3 Q. You just knew it was Mrs. Sinclair?

4 A. I think it said Linda Sinclair.

5 Q. You thought it was Linda?

6 A. Yeah, I think.

7 Q. Okay.

8 But the last name was Sinclair?

9 A. Sinclair, yes.

10 Q. Did it say anything in the paper that she was  
related

11 to the associate in Henry DiBlasio's law office?

12 THE COURT: Sustained. You can't -- you

13 can't ask a question that way. You are providing the

14 answer to the witness.

15 Q. Okay. When you read the article, did you come  
to

16 learn anything else about Mrs. Sinclair?

17 A. No, I didn't.

18 MR. KALL: Objection.

19 THE COURT: Overruled.

20 THE WITNESS: No, I didn't.

21 Q. Okay.

22 Did you come at any time to learn of the  
relationship

23 of this Mrs. Sinclair to anyone in Henry DiBlasio's  
office?

24 A. No.

she

25

Q. Okay. So right now, you don't know who or what

1 is?

2 A. Only thing I know that she is -- from what I  
read,

3 she is the husband of Attorney Sinclair, and anybody  
in

4 DiBlasio's office, no, I don't.

5 Q. Was Mr. Sinclair in DiBlasio's office?

6 A. He's in the same building.

7 Q. Same building?

8 A. Yes.

9 Q. And you're saying you come to find out that she  
was

10 the wife of Mr. Sinclair?

11 A. Yes.

12 Q. Yeah. Now, my question was, where did you find  
that

13 out?

14 A. Where did I find out?

15 Q. Yeah.

16 A. I found out by reading about it.

17 Q. Okay.

18 A. That's what I said before.

19 Q. Maybe that's where we got confused.

20 THE COURT: That's the problem because  
that's

21 not personal knowledge, and that's why they're  
concerned

22 about it.

23 MR. TRAFICANT: Okay.

24 THE COURT: Okay? A witness has to  
testify

fairer            25            from his own knowledge, and I think that's maybe a

1 explanation of how the rules work with witnesses.  
They  
2 have to have personal knowledge so that they can be  
tested.  
3 Reading something in a newspaper doesn't add up to  
personal  
4 knowledge. They now have information, but they  
weren't  
5 there, they didn't see it, firsthand knowledge, okay.  
6 MR. TRAFICANT: On the rephrasing of my  
7 question, you didn't overrule that objection and allow  
the  
8 question?  
9 THE COURT: Well, I'm not going to allow  
you  
10 to go any further with this because it's apparent that  
what  
11 you're tapping in this witness is something that they  
have  
12 the right to object to, which is that he doesn't -- he  
13 hasn't shown any personal knowledge of this, so --  
14 MR. TRAFICANT: But you allowed his last  
15 answer to stand; is that correct?  
16 THE COURT: This is precisely the kind  
of  
17 discussion we should have off the record to clarify  
this  
18 rule, but I think -- I think what we ought to do now  
is  
19 move on to something else instead of taking up the  
jury's  
20 time --

21 MR. TRAFICANT: All right.

22 THE COURT: -- with this issue.

23 BY MR. TRAFICANT:

24 Q. You still consider yourself a friend of Henry

25 DiBlasio?



friend? 1 A. Well, how -- what was your definition of a  
2 Q. Well, you like him or not like him?  
3 A. Well, my definition of friend is someone you  
know and 4 run along. A friend is someone that you know that you  
do 5 things with.  
6 Q. All the time, though?  
7 A. Yes. Henry was just a friend that I knew  
because of 8 a business.  
9 Q. Society of associate friend?  
10 A. Right, because --  
11 Q. You still consider him to be sort of associate  
12 friend?  
13 A. Well, I guess if I see him, I'd say hello to  
him. 14 Q. Do you harbor any ill feelings toward him?  
15 A. No, I don't. I never have hard feelings against  
16 anybody. That's the way my life is. I probably if I  
had 17 hard feelings, I probably wouldn't be here today.  
18 Q. Now, when the FBI interviewed you, did they ask  
you 19 any questions about the new owner, Mrs. Sinclair?  
20 A. No, he didn't.  
21 Q. Did the FBI intimate to you or lead you to  
believe 22 that this was a fraudulent activity?  
23 A. No, he didn't.

house,

24 Q. Now, you said the first checks came to your

25 was that correct?

1 A. Yes, I did.

2 Q. And was it your testimony that you called Mr.

3 DiBlasio about that?

4 A. I got the check, was still in the envelope,  
unsealed,

5 brought it to his office and left it there to him.

6 Q. And what, if anything, did you say to him at  
that

7 time?

8 A. I didn't see him. I left it there to a girl.  
The

9 second check came. I brought it there. Then I told  
him

10 that he had told me that there would be no  
correspondence

11 of any mail coming to my house. And he said he would  
take

12 it and write a letter to, I guess, Washington to tell  
them

13 to mail it directly to his office, and I -- that was  
the

14 last I seen it.

15 Q. Did you object to the fact that it was not going  
to

16 go to your house anymore?

17 A. I didn't want it to.

18 Q. So you told him that?

19 A. Yes.

20 Q. And he agreed to that?

21 A. Yes.

22 Q. When you entered into this agreement, was there  
any

this? 23 understanding you were going to get any money out of

any 24 A. At no time at all did he ever say I would get

25 money, and I never asked for any money.

Whitehead - Direct/Smith

1 Q. You simply did this as a favor for -- what you  
2 considered to not call associate?

3 A. Yes. Just a favor, yes.

4 Q. Thank you, Gigs?

5 A. You're welcome.

6 MR. TRAFICANT: No further questions.

7 MR. KALL: No further questions, your  
Honor.

8 THE COURT: Sir, thank you. You can step  
9 down.

10 THE WITNESS: Thank you.

11 MR. SMITH: Christopher Whitehead, your  
12 Honor.

13 THE COURT: Okay.

14 MR. KALL: Your Honor, may I grab the  
15 exhibits?

16 THE COURT: Yes.

17 MR. KALL: Thank you.

18 CHRISTOPHER WHITEHEAD

19 of lawful age, a witness called by the CHRISTOPHER  
20 WHITEHEAD,

21 being first duly sworn, was examined

22 and testified as follows:

23 DIRECT EXAMINATION OF CHRISTOPHER  
WHITEHEAD

24 BY MR. SMITH:

25 Q. Sir, would you please state your full name, and  
spell



Whitehead - Direct/Smith

1 your last name for the Court Reporter?

2 A. Christopher S. Whitehead, last name

3 W-H-I-T-E-H-E-A-D.

4 Q. Where do you live now, sir?

5 A. New Jersey.

6 Q. And what do you do for a living?

7 A. I work for AT&T.

8 Q. What do you do there?

9 A. I am a manager AT&T in marketing, marketing  
analyst.

10 Q. During the time period 1989 to 1994, were you  
11 employed in that time period?

12 A. Yes.

13 Q. Where did you work?

14 A. For Congressman Traficant.

15 Q. And at what location did you work for  
Congressman

16 Traficant?

17 A. I worked in his Washington office.

18 Q. And were you a full or a part-time employee?

19 A. I was full-time for probably three out of the  
five

20 years that I worked with Congressman Traficant. I was

21 part-time -- I went to school part-time for two years.

22 Q. During your full-time employment, how many hours  
was

23 that?

24 A. Probably 40 to 50 hours a week.

hours

25

Q. And during your part-time employment, how many



1 a week was that?

2 A. Probably 30.

3 Q. At what school were you attending during the  
time you

4 were part-time?

5 A. University of Maryland, outside of Washington.

6 Q. What was your title as you started out with the

7 Congressman's office?

8 A. As I started out, I was legislative  
correspondent.

9 Q. And what duties did that entail?

10 A. That entailed responding to constituent mail.

11 Q. Did your duties ever change?

12 A. Yes. I was -- I became a legislative assistant,

13 probably a year later.

14 Q. And what duties did that position entail?

15 A. It entailed focusing on issues, business related

16 issues, such as budget, trade, social security, and  
other

17 issues within the Ways and Means Committee and working  
with

18 Congressman on those issues.

19 Q. How much contact did you have with the  
Youngstown

20 District Office of the Congressman?

21 A. Very little.

22 Q. So most of your time was spent in Washington?

23 A. All of my time was spent in Washington; very  
little

24

25

MR. SMITH: May I have a moment, your

1 Q. Who were your supervisor or supervisors in  
2 Washington, D.C.?

3 A. Wes Richard was my supervisor from 1989 to, I  
think,  
4 early 1993. I could be wrong, and then Paul Marcone  
was my  
5 supervisor until I left the office in 1994.

6 Q. What title did Mr. West Richards hold, if you  
recall?

7 A. Either office manager or chief of staff. I'm  
not  
8 sure. He was head of the Washington office.

9 Q. How about Mr. Marcone?

10 A. Same title.

11 Q. Okay.

12 A. I'm not exactly sure on what title it was, but  
they  
13 were -- certainly chief of staff in the Washington  
office.

14 Q. Was Mr. West Richards employed there the whole  
time  
15 you worked there?

16 A. No, he wasn't. He -- he left in, I think, early  
17 1993, and I continued to stay in the office until  
1994.

18 Q. And who succeeded Mr. Richards in his position?

19 A. Paul Marcone.

20 Q. Did you ever have occasion to visit a boat  
docked in  
21 the Washington D.C. area?

22 A. Yes.

23 Q. And with whom did you associate that boat?

24 A. Congressman Traficant's boat.

25 Q. And would you describe this boat.

on the 1 A. It was docked off the Potomac River. He lived  
2 boat, and he came down to Washington every week.  
3 Q. What did this boat look like?  
It 4 A. It was a white boat, about 20 to 25 feet long.  
5 had sleeping quarters inside.  
6 Q. How many times did you go out to this boat?  
7 A. I think I was there once.  
8 Q. And what time of day was it?  
9 A. It was during mid day hours.  
10 Q. Was this a workday or a weekend?  
11 A. It was a workday. It was a Friday, I think.  
that 12 Q. Who, if anyone else, did you see at the boat  
13 day?  
14 A. Several members from the staff, Congressman  
from 15 Traficant, and I -- I think there were a few members  
16 the Youngstown office as well.  
17 Q. All right.  
you 18 Can you name as many of those staff members that  
19 can now recall who were there that day?  
Richards, 20 A. From the Washington office, it was West  
and I 21 Charles McCradden, Daniel Blair. West Richards, Jim,  
22 don't remember Jim's last name, and there could have  
been a 23  
the 23 few others, but that's as many as I -- I think any of

24 male members within the Washington staff. In the  
25 Youngstown staff, I think it was Chuck O'Nesti, and  
Anthony

1       Traficanti may have been there. It's difficult to  
2       remember.

3       Q.     What were you -- what were the group of you  
doing at  
4       the boat that day?

5       A.     I think we were touching up the boat. Myself, I  
myself,  
6       don't know what everybody was doing, but I know for  
boat.  
7       I did a little bit of scraping on the side of the  
8       Some of the paint was chipping.

9       Q.     This maintenance work on the boat that you're  
doing  
10      basically?

11      A.     Maintenance work, yeah.

12      Q.     Do you know whether any of these people who  
worked on  
13      the boat that day went out more than one day to do so?

14      A.     Not sure, I'm not sure. I -- I think some of  
the  
15      members from the Traficant -- some of the members of  
the  
16      Youngstown office may have. I'm not sure because I  
wasn't  
17      there for more than one day.

18      Q.     This was on a workday you did this?

19      A.     It was on a Friday.

20      Q.     During business hours?

21      A.     I worked Monday through Friday, and it was on a  
22      Friday.

23      Q.     During business hours?

hours, 24 A. It was afternoon, from lunch time, a couple  
25 maybe from lunch time to 3:00, 4:00.



## Whitehead - Cross

1 MR. SMITH: Thank you. No further  
questions.

2 THE COURT: Congressman.

3 CROSS-EXAMINATION OF CHRISTOPHER WHITEHEAD

4 BY MR. TRAFICANT:

5 Q. Good morning, Chris.

6 A. Good morning, Jim.

7 Q. You did pretty well after working for me?

8 A. We all did. We all have.

9 Q. I hire people usually smarter than I was, didn't  
I?

10 A. We've gone out and done well.

11 Q. Well, it was pretty easy for me to do that,  
wasn't

12 it?

13 A. Yeah.

14 Q. Sorry.

15 A. I'm just nervous up here, Jim.

16 Q. Pardon?

17 A. Nothing.

18 Q. Go ahead and speak up, don't be afraid.  
Understand

19 I'm a target under federal investigation again.

20 A. Yes, I do.

21 Q. Now, you now live in New Jersey. Are you  
married by

22 the way?

23 A. I am. I have two daughters, twins.

24 Q. The names?

25 A. Emily and Rachel. They're a year old.



1 Q. Yeah?

2 A. Yeah.

3 Q. Did you meet your wife in D.C. by the way?

4 A. I did. I met her at the University of Maryland

while

5 I was working for you.

6 Q. What degrees have you accomplished?

7 A. I have an undergraduate degree from Wright State

8 University in business, and I have an MBA, Masters in

9 Business from the University of Maryland that --

10 Q. And Wright State is in Ohio, right?

11 A. Dayton, Ohio.

12 Q. And did you contact me about working with me, or

did

13 I contact you?

14 A. I contacted you, and --

15 Q. And how did you first get involved with me?

16 A. Basically, I -- when I moved to Washington, I

walked

17 in your office, and Wes happened to be standing there,

and

18 I handed him my resume, and he -- we talked for a few

19 minutes, and he took me in to see you, and we talked

for

20 probably an hour, and you said you're hired.

21 Q. We were short of staff, weren't we?

22 A. You had two people that were leaving, yes.

23 Q. They were both going to school?

24 A. Yes.

25        Q.        Now, you're a manager in marketing for AT&T?



1 A. Yes.

2 Q. Now, you -- you exclusively worked in D.C.,  
wasn't

3 that correct?

4 A. That is correct.

5 Q. And could you describe usually, other than a  
hectic

6 appropriation schedule -- by that I mean when the  
7 Government has to pass a bill so the courthouse can  
run and

8 the IRS can pay their bills, would you describe Monday  
and

9 Friday as usually off days?

10 A. Typically, they were. Typically, Tuesday  
through

11 Thursday, we worked long hours, and it was very hectic

12 while they were in session because that's when you  
were in

13 town.

14 Q. Did you have any knowledge how many hours a  
15 congressional worker had to put in?

16 A. We put in a lot of hours.

17 Q. Did you know what the federal requirement was?

18 A. No. We worked -- we did what we had to to get  
the

19 job done, so, no, I -- I have no sense of when -- I  
mean,

20 we worked on Saturdays and Sundays when we would have  
to.

21 When you were in town, we were working on the  
weekends.

22 Q. Even some of the people that may have gone down  
to  
23 the boat occasionally, they come in Saturday and  
Sunday and  
24 worked, didn't they?  
25 A. Yes.

and 1 Q. Did I ever force anybody to go down to the boat  
2 work?  
3 A. No.  
4 Q. Did people want to help me with my rundown boat?  
5 A. Yes, we did.  
6 Q. Did you talk about it as a staff?  
7 A. Want to go help you?  
8 Q. Yes.  
9 A. Yes.  
10 Q. Wasn't it a fact when people from the Youngstown  
morning 11 office came, that we would drive in early in the  
12 and hit the rush hour usually Tuesday morning?  
13 A. Yes.  
Tuesday 14 Q. Now, when you hit that rush hour coming in  
15 morning on 270, and you're coming from back in the  
16 Youngstown area, could it not, in fact, take up to  
seven to 17 eight hours just to get there?  
18 A. Definitely.  
a 19 Q. And when you leave, like if Congress adjourns on  
20 Thursday, which they many times do about 3:00 or 4:00  
and 21 members start getting out of town if you're driving  
and you 22 hit that traffic on 495, could you not be tied up for  
two 23 hours before you even got out of Bucasville?



24       A.     At least.

25       Q.     So it would take you seven to eight hours to get

1 back?

2 A. Yes.

3 Q. So when people --

4 THE COURT: Oh, this is fine, except  
you're

5 providing all the answers, and they can't consider  
what

6 comes from you as evidence.

7 MR. TRAFICANT: Okay.

8 Q. How many hours would it take if you were  
confronted

9 with the rush hour in D.C. to get back to Youngstown?

10 A. I know if we're getting out of D.C., it could  
take up

11 to three or four hours, depending on the day, any day.  
If

12 there's an accident, it could take several hours to  
get

13 out. But normal rush hour traffic is heavy.

14 Q. Yes. Okay.

15 So when the people from Youngstown came down, do  
you

16 know who drove back and forth? Would you know?

17 A. No. When I was in the office, I would know who  
drove

18 you in.

19 Q. Yeah?

20 A. Because they would come in and work.

21 Q. Right.

22 A. But there were different people that drove you  
down

23 from the Youngstown office.

office,

24 Q. Now, when the people came from the Youngstown  
25 did they come into the office and work in D.C.?

1 A. Yes.

2 Q. Did they handle any matters between the district  
and Washington, D.C., for example?

3

4 A. I think that was their function.

5 Q. Yeah.

6 To get around in Congress and to go through the  
7 different security measures, must you have  
identification?

8 A. Yes.

9 Q. Do you know if the Youngstown people that came  
down got those identification badges?

10

11 A. Yes, they did.

12 Q. And did that have to be arranged specifically  
and approved?

13

14 A. Yes.

15 Q. Did someone have to take them down to, in fact,  
get that?

16

17 A. Yes.

18 Q. Did they, in fact, acquire those things?

19 A. They would have to.

20 Q. They would have to, or they couldn't go  
anywhere, could they?

21

22 A. That's correct. You could not get in any of the  
23 areas that you needed to go.

24 Q. Now, did I get in the office early?

25      A.      Everyday.

1 Q. Would you happen to know why I would get in the  
2 office early?

3 A. You were in the office early everyday preparing  
4 what you needed to do either on the House floor or  
5 amendment we were preparing or a speech you were going  
6 to make.

7 Q. Was I one of the most active members of the  
8 House of Representatives?

9 A. Yes.

10 Q. Was there an opening to the House of  
11 Representatives  
12 had something peculiar about it?

13 A. You did the one-minute speeches everyday.

14 Q. The House -- and you can speak on -- what was --  
15 what  
16 were the rules of it?

17 A. You could speak on -- I think you could speak on  
18 any  
19 issue you felt was relevant that you wanted to bring  
20 up.

21 Q. Over the period of years you were there, were  
22 you  
23 involved with ways and means activities?

24 A. Yes, very much so.

25 Q. Did I make any speeches relative to the IRS at  
26 that  
27 time?

28 A. Yes, many.

29 Q. Would you say at least once or twice a week?

24       A.     You may have, a lot.

25       Q.     And would I talk about my legislation?

1 A. Yes, you would.

2 Q. And what legislation was I pushing? Do you  
recall?

3 A. You were pushing a lot of buy American  
amendments,

4 you talked a lot about the IRS in setting up a council  
to

5 oversee the Bill of Rights for the consumer, and other  
--

6 many other tax related issues.

7 Q. Do you remember legislation dealing with the  
burden

8 of proof?

9 A. Yes, burden of proof.

10 Q. Do you recall legislation dealing with ways  
11 attachments?

12 A. Yes.

13 Q. You remember legislation dealing with property  
liens?

14 A. Yes.

15 Q. You remember legislation that would allow  
taxpayers

16 to sue the IRS up to \$1 million?

17 A. Yes.

18 Q. Do you know if I passed that legislation?

19 A. I think after I left, you passed several of  
those,

20 I'm not sure, or you got amendments into some bills.

21 Q. Usually, my legislation -- how was usually my  
22 legislative impact made in D.C.?

23 A. By banging on every other Congressman, every  
single



24 day until they --

25 Q. Was it through the bills that I passed or the  
action

1 on the House floor?

2 A. The action on the House floor.

3 Q. In the form of what?

4 A. One-minute speeches and speeches while the bill  
was

5 being discussed on the floor. Would you also be  
6 involved -- you would typically be involved in that  
7 discussion.

8 Q. And how would I effect a piece of legislation or  
9 change a piece of legislation?

10 A. You add amendments to legislation.

11 Q. Who would draft those amendments?

12 A. Your staff would help you draft it, but  
typically,  
13 you would give the direction on what you wanted, and  
we

14 would go off and work with legal counsel to draft the  
15 amendment.

16 Q. Now, was the Congressman allowed to take his own  
17 staff associates to the floor with him on a specific  
18 amendment?

19 A. He would -- you would typically bring a staff  
member  
20 down with you to the area right outside of where you  
had

21 entered the House floor.

22 Q. I had the right to bring them into the House  
floor,

23 did I not?

24       A.     You did.

25       Q.     But I did not do that, is that a fact?

1 A. No, you did not.

2 Q. I basically handled it myself, right?

3 A. Yes, you did.

4 Q. Were there some pretty vicious -- or the best  
every

5 your knowledge, you know if there were any harsh

6 conversation between myself and the Chairman of the  
Ways

7 and Means Committee?

8 MR. SMITH: Objection.

9 THE COURT: Let me hear the question  
again.

10 Q. Do you have any knowledge of there being any  
harsh

11 conversations or disagreements that I had with the  
Chairman

12 of the Ways and Means Committee, that had jurisdiction  
over

13 tax issues?

14 MR. SMITH: Objection.

15 THE COURT: Sustained.

16 MR. TRAFICANT: All right.

17 Q. Now, you worked part-time and full-time. Now,  
when

18 the part-time came, how did that develop?

19 A. I let you know that I was planning on going To  
20 University of Maryland full-time, and you let me know  
that

21 we have a lot of work to do, and the hours -- you  
know,

22 we'll fit it in during the week how you get your 30 or  
so

around 23 hours out of that week, and basically, I tried to be  
24 when you were around.  
25 So we were -- we were flexible in that I was  
able to

the 1 go to my classes, but I worked with you heavily during  
staying 2 day, or sometimes I would stay late if you were  
3 late to get my hours in.

require 4 Q. But I did not object to you going and did not  
5 you to leave the staff, did I?

6 A. Absolutely not.

7 Q. Now, when the Government interviewed you, do you  
8 remember what that date was?

9 A. I do not remember the exact date.

10 Q. Was it last year?

first 11 A. It was early last year. I would think in the  
12 quarter, but I do not remember the exact date.

people 13 Q. Would there be some business dealings that  
14 would call us about, and I would ask you to look into?

15 A. Yes.

different 16 Q. Would I not delegate to different people  
17 issues?

18 A. Yes.

were 19 Q. Did I sometimes select people that I thought  
20 perhaps maybe more capable of doing one thing versus  
21 another person?

22 A. Yes.

23 Q. Did I call on you a lot?

24       A.     Yes, you did.

25       Q.     Now, do you recall the Government or any  
conversation

1 with the Government where you told the Government that  
2 people were required to work on Traficant's boat?  
3 A. No.  
4 Q. So, for example, if, say, someone interviewed  
you and 5 said you were told that you had to work on Traficant's  
6 boat, would they be lying?  
7 MR. SMITH: Objection.  
8 THE COURT: Sustained. He just  
testified 9 nobody put him in that position. So that would be  
10 completely hypothetical.  
11 MR. TRAFICANT: I'd like a side bar.  
12 THE COURT: Fine  
13 (The following proceedings were held at side  
bar:) 14 MR. TRAFICANT: Okay. This is 302. I  
15 didn't mark it.  
16 THE COURT: Okay.  
17 MR. TRAFICANT: I believe --  
18 THE COURT: Does it have a number from  
you? 19 MR. MORFORD: No, it doesn't.  
20 THE COURT: Okay. Have you had a chance  
to 21 read it?  
22 MR. TRAFICANT: This is a significant  
point I



23        was talking about, yeah, I didn't go through the whole  
24        thing, just a part that says that Whitehead recalls  
that he  
25        and several other staff members were told to help to  
do

## Whitehead - Cross

1 work on Traficant's boat.

2 MR. SMITH: Your Honor, this witness has

3 testified as to the circumstances under which he went  
out

4 there, so reading from the 302 is not impeaching, and  
it

5 has no impeaching values. I don't understand why he  
wants

6 to read from the 302.

7 MR. TRAFICANT: Objection. He said he  
was

8 never instructed nor anyone ever was asked to help.  
They

9 did it as a favor, and they wanted to help me.

10 Now, look, I do have a set of ears here.

11 MR. SMITH: So he can call the FBI agent  
and

12 ask him about what -- because this is the FBI agent's

13 report. This isn't Whitehead's statement. He's asked

14 Whitehead, and he's answered the question.

15 THE COURT: You can use this with the  
FBI

16 agent.

17 MR. TRAFICANT: You keep giving them a  
lot of

18 latitude, and you keep just denying me a chance to go  
after

19 the untruthfulness of some of the employees of these  
20 investigations.

21 THE COURT: I think the person you're  
22 challenging is not this witness, but this witness --

23           because this witness has said he was never asked to do

24           that.   This is your witness talking for you.

25                           MR. TRAFICANT:   For the record, I object

to

## Whitehead - Cross

1 not being able to proceed with this 302 any further.

2 THE COURT: With this witness?

3 MR. TRAFICANT: But I accept it.

4 THE COURT: With this witness? You can  
use  
5 it.

6 MR. TRAFICANT: I can talk about -- I  
can ask  
7 questions, but I can't make any quotes, but I can use  
it in  
8 the form of if I have a question that pops up, can I  
ask  
9 questions?

10 THE COURT: But if the person who  
prepared  
11 this gets on the stand, then you can use --

12 MR. TRAFICANT: Well, but --

13 MR. MORFORD: Keep use voice down,  
please.

14 MR. TRAFICANT: I can't ask a question,  
look,  
15 is the boat blue?

16 THE COURT: You can ask that.

17 MR. TRAFICANT: And if the -- but you're

18 saying if the FBI agent said the boat was red, you're  
19 saying now I can't ask if the boat was blue? Let's  
try to  
20 understand what I can and can't do here.

21 THE COURT: Okay.

22 MR. SMITH: You cannot -- what the  
23 Congressman's trying to do is to show the FBI --

24  
mouth.

MR. TRAFICANT: Don't put words in my

25  
Congressman

MR. SMITH: It is clear what the

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Whitehead - Cross

302. 1 is attempting to do is to impeach FBI agents with a  
yet. 2 THE COURT: But they haven't been called  
an 3 MR. SMITH: The issue is not to impeach  
4 FBI agent at this point. It's not impeachment of this  
5 witness.  
6 MR. TRAFICANT: You're attempting to put  
7 words in my mouth. What I am saying is, can I ask  
8 questions relative to the investigation and the  
questions 9 he was asked by the Government?  
just 10 THE COURT: As to this question that you  
11 asked about, this witness testified by saying that you  
12 never -- he never heard anyone on the staff being  
forced to 13 go down and work on the boat. The jury's heard that.  
14 That's a witness that supports your position.  
15 MR. TRAFICANT: Okay.  
this 16 THE COURT: So there's nothing to use  
17 against him on. And he didn't prepare the report.  
18 MR. TRAFICANT: But my question was --  
19 THE COURT: If this witness comes on --  
20 MR. TRAFICANT: He said that -- he said  
that 21 a Government agent said that he said that they were  
told to

22 go to work on Traficant's boat.

23 THE COURT: You mean because of the 302?

24 Because of the 302?

25 MR. TRAFICANT: Yes.

1 THE COURT: Wait until whoever prepared  
the 2 302 is here, and you can challenge.

3 MR. MORFORD: Your Honor, before we --  
we 4 want to notify the Court the next witness West  
Richards, is 5 going to assert that. We need to do that outside the  
6 jury's presence. If you want to take the break, we  
can do 7 it during the break.

8 THE COURT: Okay.

9 MR. MORFORD: But just so the Court  
knows.

10 THE COURT: All right.

11 (Proceedings resumed within the hearing of the  
jury:)

12 Q. Did I ever ask you to perform any duties other  
than 13 your official duties, Chris?

14 A. No. You did not directly ask me -- if you're  
asking 15 me if you directly asked me to work on the boat, you  
did 16 not directly do that.

17 Q. I never asked you to work on the boat, is that  
your 18 testimony?

19 A. You did not directly ask me to work on the boat.

20 Q. Thank you. The time you worked in Washington  
D.C., 21 did you see any type of wrongdoing or impropriety  
performed



22           by me or any of my staff?

23           A.     No, I didn't.

24                           MR. SMITH:  Objection.

25                           THE COURT:  Sustained.

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Whitehead - Redirect/Smith

worked 1 Q. How would you consider your history of having  
2 in D.C. with me?  
3 A. It was a great experience, I learned a lot. I  
mean 4 I --  
5 Q. You own a home now?  
6 A. No, I don't. We're purchasing right now.  
7 Q. Okay.  
8 MR. TRAFICANT: Thank you. Good luck,  
Chris  
9 REDIRECT EXAMINATION OF CHRISTOPHER WHITEHEAD  
10 BY MR. SMITH:  
11 Q. Mr. Whitehead, on cross-examination, you stated  
that  
12 you were not directed by the Congressman to go work on  
the  
13 boat, correct?  
14 A. Yes.  
15 Q. How did you happen to come to be down there  
working  
16 on the boat?  
17 A. The chief of staff, West Richards at the time,  
asked  
18 us if we would work on the boat.  
19 Q. Was he your supervisor?  
20 A. Yes, he was.  
21 Q. So was it necessary for the Congressman to ask  
you to  
22 go work on the boat?  
23 A. No.

boat, 24 Q. Your own supervisor asked you to work on the  
25 correct?

1 A. Yes.

time

2 Q. Did you work on anybody else's boat during the  
3 you were working in Washington D.C.?

4 A. No, I did not.

5 Q. The Congressman was your boss, correct?

6 A. Yes.

7 Q. Was it part of your official duties to work on a  
8 boat?

9 A. No.

10 MR. SMITH: No further questions.

11 THE COURT: Thank you.

12 RE-CROSS-EXAMINATION OF CHRISTOPHER WHITEHEAD

13 BY MR. TRAFICANT:

the

14 Q. Now, West talked to you about going to work on  
15 boat. Was it in line with that business the staff  
16 to help me out?

wanted

would

17 A. I think that's the way he presented it, that we  
18 help Jim out, the Congressman out, and work on his  
boat.

do

19 Q. Did he say that I asked him to ask you guys to  
20 this?

21 A. No.

22 MR. SMITH: Objection.

that.

23 THE COURT: Overruled. You can answer

24

THE WITNESS: He did not say that.

25

asked Q. In your opinion, it was Wes who more or less

Whitehead - Redirect/Smith

1       you people to give me a hand, is that your testimony,  
2       Chris?

3       A.       Yes.

4                       MR. TRAFICANT:  No further questions.

5                       MR. SMITH:  Nothing, your Honor.

6                       THE COURT:  Thank you.  You're excused.

7               This is a good time to break for the morning,  
and

8       we're going to give you close to 30 minutes, at least  
30       minutes.  Maybe a few more minutes on there.

9               So you should be ready to be back in here at 10  
of       11:00.  Okay?  Thank you.

12                      (Proceedings in the absence of the jury:)

13                      MR. MORFORD:  Your Honor, last night I  
was

14       contacted by our next witness, who informed me that he  
had       talked to a lawyer friend of his, who suggested that  
he       should get immunity, and that the lawyer friend had

16       some articles and realized other employees of  
read

17       Traficant had testified under immunity.  
Congressman

18               We made calls this morning, and my understanding  
is

20       that the paperwork should be here by now.  I need to  
check

21       with the agent who's in the witness room.  But as soon  
as

to the 22 we have that paperwork, what I would like to propose  
of the 23 court is that we do a voir dire outside the presence  
Amendment 24 jury, whereby this person can assert his Fifth  
25 right, and we can enter the immunity prior to the jury

1 being seated and begin his testimony.

2 THE COURT: Congressman.

3 MR. TRAFICANT: This is the first I've  
heard

4 of this, and this was not presented to me earlier, and  
I

5 just state for the record that is the purpose of my  
6 objection. I thought I should be notified of this  
earlier

7 this morning.

8 THE COURT: Mr. Morford?

9 MR. MORFORD: If I can respond, your  
Honor.

10 We did talk about this general topic with -- several  
times

11 within the last two weeks, and I specifically asked  
the

12 Court the procedure the Court wants to use when a  
witness

13 is going to invoke the Fifth Amendment privilege, and  
so

14 that is not something that requires advance notice, as  
long

15 as the Congressman knows prior to the end of the  
testimony

16 that the person has some sort of immunity and what the

17 understanding of the witness is. So --

18 THE COURT: All right. Well, what I'd  
like

19 you to do on both sides is to reconvene ahead of when  
the

20 jury has its break end, so we'll know whether that's  
the



need 21 time to go forward with this witness or not. It does  
through 22 to be done in the manner that we've already been  
of the 23 with another witness, and that is out of the hearing  
24 jury.  
I 25 So this is a convenient time in the proceedings.

back 1 think what we should do is hear -- have both of you  
2 about 20 of. That'll give us ten minutes. That  
should be 3 enough time.

4 MR. TRAFICANT: Could you make that 15  
5 minutes, your Honor, give me a little time to look at  
some 6 notes?

7 THE COURT: All right. We'll do it 15  
8 minutes before.

9 MR. TRAFICANT: Thank you.

10 THE COURT: Quarter of 11:00, we'll  
resume 11 without the presence of the jury.

12 MR. MORFORD: Thank you

13 MR. TRAFICANT: That would be without  
the 14 press and the jury.

15 THE COURT: No. Without the presence of  
the 16 jury.

17 (Laughter.)

18 (Thereupon, a recess was taken.)

19 MR. KALL: The Government calls Joe  
Altiero.

20 THE COURT: Thank you.

21

22

23

24



1 JOSEPH ALTIERO,  
2 of lawful age, a witness called by the JOSEPH ALTIERO,  
3 - being first duly sworn, was examined  
4 and testified as follows:

5 DIRECT EXAMINATION OF JOSEPH ALTIERO

6 BY MR. KALL:

7 Q. Would you please state your name, and spell your  
last name?  
8

9 A. My name's Joseph, last name Altiero A-L-T-I-E-R-  
O.

10 Q. Where do you live, Mr. Altiero?

11 A. I live in -- I reside in Warren, Ohio.

12 Q. What do you do for a living?

13 A. Right now, I am a taxi driver.

14 Q. How long have you been doing that?

15 A. I've been doing it a little over eight months.

16 Q. Prior to that, what did you do?

17 A. Prior to that, I worked for a security firm.

18 Q. And prior to that?

19 A. Prior to that, I was working for Prime  
Construction Company.  
20

21 Q. And Prime Construction Company, who was that  
company owned by?  
22

23 A. It was owned by Robert and Anthony Bucci.

24 Q. What type of business was it?

25 A. They were a blacktop company that went out and  
did



1 servicing of roads for the State, and they also did  
2 construction on parking lots and driveways.

3 Q. When were you hired to work for Prime  
Contractors?

4 A. I was hired to work for them in later part of  
'94 and  
5 '95.

6 Q. What were you hired to do there?

7 A. They hired me as a mechanic to work in the  
garage.

8 Q. Do you have training to do that type of work?

9 A. Special schooling or anything?

10 Q. Yes.

11 A. No, I didn't have any schooling or anything. I  
12 just -- as I was raised up from a boy, I worked on  
13 equipment.

14 Q. After you were hired by the Buccis, did you ever  
have  
15 occasion to meet Congressman Traficant?

16 A. Yes, I did.

17 Q. How did that happen?

18 A. They had asked me to go out to Jim Traficant's  
farm  
19 and go out there and work.

20 Q. You said they asked you to go out there. Who  
are  
21 they?

22 A. Robert and Anthony Bucci.

23 Q. Approximately when did this occur?

24 A. It was in the later part of '95 there when this

25        occurred.

farm? 1 Q. What did the Buccis ask you to do out at the  
fix 2 A. Well, at first, I was told to go out there and  
whatever 3 equipment that they had and just help out with  
4 else he needed.  
5 Q. Was there equipment there that needed repairing?  
6 A. There was a couple of farm tractors there, yes.  
7 Q. And did you do those repairs?  
8 A. Um-hum.  
9 Q. You need to say yes or no?  
10 A. Yes.  
11 Q. Okay.  
excuse 12 Did you do any other work out at the Bucci --  
13 me -- Congressman Traficant's farm?  
14 A. Yes, I did.  
15 Q. What else did you do out there?  
we 16 A. We had put in a subfloor in his barn there, and  
did 17 also fixed fence posts, took care of the horse stalls,  
18 some of the landscaping outside of the area there, and  
put 19 a roof on.  
the 20 Q. The initial work that you discussed, repairing  
21 pieces of machinery, how long did that take?  
22 A. Just a matter of a couple of days.  
23 Q. The other work that you mentioned doing, how  
long did



24       that take you to do?

25       A.     That lasted several months, the other work that  
they

1 had out there.

out

2 Q. During those several months, how often were you

3 at the farm?

out

4 A. It wasn't consistent on a daily basis. I was

5 there on and off, a period of six months.

6 Q. Who told you to go out there?

7 A. Robert Bucci.

be

8 Q. Who gave you the instructions on what needed to

9 done out at the farm?

10 A. That was by Jim and Sandy.

11 Q. Who was Sandy?

12 A. That was Jim's former girlfriend.

13 Q. And why was she giving you instructions?

of

14 A. Because she had lived out there on the farm most

15 the time, and Jim wasn't there.

Traficant?

16 Q. When you say Jim, you mean Congressman

17 A. Yes.

out

18 Q. Did you ever meet Congressman Traficant's father

19 at the farm?

20 A. No.

21 Q. Were you ever given instructions by anyone that

22 claimed to be Congressman Traficant's father?

23 A. No.

you

24 Q. You mentioned you installed a wood floor. Can

25        describe in detail what that involved.

the old                   1           A.       What we had to do there was we had to take up  
                          2           flooring that was there because it was rotted out, the  
                          3           barn. We replaced it with new wood and reinforced the  
                          4           floor.  
                          5           Q.       Do you know where that wood came from?  
from.                   6           A.       I don't know exactly where it was purchased  
                          7           All I know is that it was delivered out there by  
Robert.                   8           Q.       Robert Bucci?  
                          9           A.       Yes.  
up                       10          Q.       You also mentioned earlier you had to do shoring  
                          11         of horse stalls; is that correct?  
                          12         A.       Yes.  
                          13         Q.       Can you describe what that involved?  
the                      14         A.       The structure of that was where you reinforce  
                          15         sidewalls of the stalls so that he could use it for  
                          16         breeding the horses.  
you                      17         Q.       You also mentioned that there were times that  
                          18         repaired fences out there; is that correct?  
                          19         A.       Yes.  
                          20         Q.       What did that involve?  
work                    21         A.       It wasn't -- wasn't no more than about a day's  
                          22         repairing fences out there, barb wire, putting in  
posts.

23       That's all it consisted of.

out       24       Q.       Did you tend to the horses at all while you were

25       there?

1 A. Yes, I did.

2 Q. What did that involve?

3 A. Just basically cleaning the stalls and taking  
care of  
4 the feeding the horses, that's all.

5 Q. Were you ever involved in baling hay out at the  
farm?

6 A. Yes.

7 Q. How long would that take?

8 A. That wasn't consistent. It was whenever hay  
season  
9 was in. I was to go out and help bale hay, hay in the  
10 barn.

11 Q. Can you describe for the jury the process of  
baling  
12 hay?

13 A. You mean the procedure of it?

14 Q. Yes. How do you do it?

15 A. Well, I'm not actually a farmer myself, but the  
16 procedure is they have to run the tractor down to the  
field  
17 and trash it, the machine behind the tractor, and then  
you  
18 run a baler behind the tractor to bale it up, and from  
19 there, it comes into the barn.

20 Q. How does it get from the machine into the barn?

21 A. By hand.

22 Q. Is that part of what you were doing?

23 A. Um-hum.

24 Q. Is that a yes or --

25 A. Yes.





down an 1 Q. The Court Reporter -- I'm sorry -- can't take  
2 um-hum or um-um?  
3 A. Right.  
or 4 Q. Baling hay, is that particularly enjoyable work,  
5 is that work that is work that can get messy or dirty?  
work 6 A. No. I won't say it's enjoyable work. It's hot  
it's -- 7 because you're doing it during the summer time, and  
8 yeah, it is dirty work.  
that 9 Q. You mentioned several times that "we were doing  
work 10 work." Who are the other people that were doing this  
11 with you?  
named 12 A. The other person that was there was a gentleman  
13 Butch.  
14 Q. Did you know Butch?  
15 A. That's his nickname.  
16 Q. Did you know Butch's full name?  
17 A. George Buccella.  
Do you 18 Q. Who did you understand George Buccella to be?  
19 know if he was employed anywhere?  
employed 20 A. I know that he was. I didn't know he was  
out 21 anywhere at the time until we got to talk while I was  
22 there with him, and he had told me that he worked as a

me 23 trustee out in Wethersfield Township, and he also told  
office 24 that he had -- he worked at Congressman Traficant's  
25 in Niles there.

1 Q. How long was Butch out at the farm?

2 A. Butch worked out there everyday at the farm.

3 Q. What kind of work was he doing out there?

4 A. He was doing the same type of work I was doing  
out

5 there, helping out on the farm there, feeding horses,  
6 working on the barn, construction part of it.

7 Q. Did you ever see Butch meeting with any  
constituents

8 when he was out at the farm?

9 A. Business associates.

10 Q. Did you ever see him doing any work meeting with

11 people out at the farm?

12 A. There were people that would come out there all  
the

13 time. But I don't know what they discussed.

14 Q. For what percentage of the time that you were  
out

15 there did you spend doing this manual labor?

16 A. I'd say it was around 60 percent of the time,  
doing

17 manual labor.

18 Q. Was this during the week or on the weekends?

19 A. No, it was during the week.

20 Q. You recall what hours of the day you were out  
there?

21 A. That Butch was out there?

22 Q. I'm asking you first, what hours were you out  
there?

23 A. Well, I was out there from -- sometimes I was  
out

24       until sunrise until dark.

25       Q.     What hours was Butch out there?

early. 1 A. Butch would -- he wouldn't come out there that  
2 He was usually out there around 10:00 or 11:00 in the  
3 afternoon.  
4 Q. And how long did Butch stay out there?  
5 A. He'd usually be out until maybe about 4:00.  
6 Q. How are you paid for the work that you did out  
at  
7 Congressman Traficant's farm?  
8 A. All the pay that I had received from the -- for  
going  
9 out there was paid through the Prime Construction  
Company.  
10 Q. That would be the Buccis?  
11 A. Bucci, yes.  
12 Q. Were you ever paid at all by Congressman  
Traficant  
13 for the work you did out at the farm?  
14 A. No.  
15 Q. Did you ever complain to the Buccis about having  
to  
16 work out at the farm?  
17 A. Yes, I did. I had questioned them not so much  
about  
18 going out there, but what I was questioning them about  
was  
19 my pay. There was a discrepancy of my -- things that  
were  
20 being taken out of my paycheck, and I had inquired  
about --  
21 to both of them, and they basically told me that I  
didn't

and I           22       need to be concerned about what I was asking about,  
concerned       23       told them I said, well, yes, I would like to be  
here            24       about it because it's stuff that's being taken out of  
                 25       that shouldn't be.

your  
were  
have a  
support?

1 Q. What types of things were being taken out of  
2 paycheck?  
3 A. They were taking out for child support, and they  
4 taking out for some -- supposedly I was supposed to  
5 wife, and I wasn't married at the time.  
6 Q. Did you have any obligation to pay child  
7 A. No.  
8 Q. As a result of this, what did you do?  
9 A. As a result of it, I had sat down one night and  
10 talked to Jim about it. I mentioned to him while we  
were  
me  
And I  
me  
doing  
any  
this. So  
17 he told me that he would look into it.  
18 Q. Do you know if he ever did?  
19 A. No. I never did get a reply back from him or  
the --  
20 I did get a reply from the Buccis. They told me I  
21 shouldn't be bringing up questions like that to him,  
and I

22        don't need to know about what's going on with my pay.

23        Q.        Did those things continue to be taken out of

your

24        paycheck?

25        A.        Yeah.



1 Q. As a result, did you contact anyone else?

2 A. Yes, I did.

3 Q. Who did you contact?

4 A. After I got done, I talked to myself, well, if I

5 don't hear anything by -- from Jim, Congressman  
Traficant,

6 I was -- I would have to take further steps.

7 MR. TRAFICANT: Excuse me, would you  
reread,

8 read-

9 BY MR. KALL:

10 Q. What further steps did you take?

11 A. That's when I went to the IRS office in  
Youngstown

12 and contacted two agents over there.

13 Q. Did anything happen as a result of that?

14 A. As far as my paychecks, no. They were still  
taking

15 stuff out. The two investigators just told me that  
they

16 were going to investigate it.

17 Q. And to your knowledge, were the Buccis ever  
18 investigated for this?

19 A. Yes, they were.

20 Q. And what happened as a result of that?

21 A. Well, several months later went by, and the --  
the

22 two investigators came back and told me, yeah, there

23 definitely was a series of people's paychecks being --  
the

taken 24 wages were, you know, being cut, and money was being  
being 25 out of their paychecks. Social security numbers were

adding 1 changed, they told me -- also told me that they were  
2 kids that didn't exist.

with 3 Q. Are you aware of the Buccis ever being charged  
4 any crime as a result of this?

crimes? 5 A. Am I aware of them being charged with any  
6 Well, yeah, they -- the officers told me they were  
going to 7 be charged with several different things.

personally? 8 Q. Do you know what the outcome of that was  
9 A. No.

10 Q. Okay.

Buccis? 11 How long did you continue to work for the  
12 A. I worked for them for a year and a half.

13 Q. How did your employment with them end?

of my 14 A. Well, I just got tired of them taking money out  
just 15 paycheck, so I finally told them one day that I was  
16 going to quit.

IRS 17 Q. Did you continue to provide information to the  
18 regarding the Buccis?

19 A. Yes.

did 20 Q. During the time that you worked out at the farm,  
21 Congressman Traficant ever indicate to you that he was

out

22 unhappy or dissatisfied with the work that you'd done

23 there?

24 A. No.

25 Q. Did he ever indicate to you that he was happy or

1       pleased with the work that you'd done out there?

2       A.     He told me several times that he was happy to  
have  
3       somebody out here that was able to -- able to use a  
hammer  
4       and handy with tools.

5       Q.     When did you stop going out to the farm?

6       A.     I quit going out there after I found out that I  
7       wasn't going to get paid anymore.

8       Q.     Did you have any discussions with Congressman  
9       Traficant about continuing to work out at the farm?

10      A.     Yes, we did. I had -- Jim had mentioned to me  
that  
11      if I was interested in coming out there and living as  
a  
12      boarder and helping with the -- you know, do the  
chores out  
13      there at the farm. And we didn't discuss too much  
into  
14      detail about how I was going to get paid for it. He  
told  
15      me, he said he would be able to pay me about \$100 a  
month  
16      for doing this work out there. And he said the rest  
of it  
17      would be just free room and board.

18      Q.     Did you agree to go out and do it for that?

19      A.     Not right offhand I didn't, no. I told him that  
I  
20      was going to have to think about making some kind of a  
move  
21      like that.

22  
Traficant's

Q. Did you continue to ask for Congressman

23 assistance with the Buccis?

24 A. Run that by me again.

25 Q. Let me rephrase it. Did you continue to ask

paycheck 1 Congressman Traficant for his assistance with your  
2 with the Buccis?  
I -- 3 A. We only discussed it that one time because after  
4 after I didn't hear anything from Jim after that, I  
just 5 assumed that, you know, maybe this wasn't anything  
that he 6 could do.  
7 Q. Did you end up going out to the farm to board  
there, 8 live there and to work there?  
9 A. I had went out there several times after that,  
but it 10 wasn't to live there, no.  
11 Q. What was it to do?  
12 A. It was just to do basically cleanup out there.  
13 Q. Were you paid for that work?  
14 A. No.  
15 Q. Were you told you were going to be paid?  
16 A. There was mention of it, yeah.  
17 Q. Mention by whom?  
came 18 A. Sandy had mentioned, she said as soon as Jim  
19 back into town, he would pay.  
20 Q. And were you ever paid for that work?  
21 A. No, no. We kind of lost contact with each other  
22 after that.  
23 Q. Other than what you received from the Buccis,  
were

24           you ever paid for the work that you did out at  
Congressman

25           Traficant's farm?



1 A. No.

2 MR. KALL: If I may have a moment. No  
3 further questions, your Honor.

4 THE COURT: Congressman, you may  
inquire.

5 CROSS-EXAMINATION OF JOSEPH ALTIERO

6 BY MR. TRAFICANT:

7 Q. How are you doing, Joe? You said you live in  
Warren,  
8 Ohio. You didn't give an address, where do you live  
in  
9 Warren, Ohio?

10 A. Where do I live at?

11 Q. Yes.

12 A. I live right on Fifth Street.

13 Q. What's the address?

14 A. 1394.

15 Q. And is it a house, apartment or --

16 A. It's an apartment.

17 Q. Apartment. You're now driving taxis; is that  
18 correct?

19 A. Yes.

20 Q. Now, your testimony was that the Buccis sent you  
out  
21 to the farm to help them?

22 A. Yes.

23 Q. That was the beginning. Wasn't it a fact that  
you  
24 came to the farm and asked me to look into the  
paycheck

met?

25

scam of the Buccis, and was that not the first time we

1 Think back, you're under oath.

2 A. No, it wasn't the first time.

told 3 Q. You just came out to the farm because the Buccis

4 to you come to the farm?

5 A. I was -- yes, I was told to come out there.

6 Q. Uh-huh.

they 7 A. I mean, it wasn't -- it wasn't a question that

8 asked me. I was told.

9 Q. Okay.

10 A. You either went or you didn't have a job.

tell 11 Q. Did you tell me and anybody else -- or did you

12 me that you were having it so bad that you were eating

out 13 of garbage of Burger King's and McDonald's. Yes or

no. 14 A. No.

15 Q. Okay. So you were hired by the Buccis. Did you

ever 16 tell me that the Buccis were paying you to work at my

farm? 17 A. Did I ever tell you that the Buccis were paying

me? 18 Yes, I did tell you that.

19 Q. You said you told me they were paying you to

work at 20 my farm?

21 A. Um-hum.

22 Q. That's your testimony?

23 A. Yes.

What

24 Q. Now, you said you did a subfloor in the barn.

25 barn was that?

you                   1       A.     It wasn't the arena.  It was a smaller barn that  
                      2       had off to the side.  
                      3       Q.     A small barn?  
                      4       A.     Yeah.  
                      5       Q.     Will you describe what it looked like?  
                      6       A.     The barn?  
                      7       Q.     Yeah.  How big was it?  
                      8       A.     Well, I'd say it was the size of this courtroom.  
                      9       Q.     Okay.  And what exactly did you do in there?  
subfloor           10      A.     What we did was we ended up putting down a  
and                11      in the barn.  We had to take out the old two by fours,  
                  12      two by twelves because they were rotted, and the  
wood              13      entranceway of the barn there, we replaced it with new  
                  14      and reinforced it.  
                  15      Q.     Uh-huh.  
just              16      A.     We didn't do the whole floor that way.  This was  
                  17      the entranceway going into the barn, if you remember.  
the               18      Q.     Oh, I see.  You said -- you asked me to talk to  
                  19      Buccis; is that right?  
                  20      A.     Um-hum.  
these             21      Q.     And you asked me to see what I could do about  
                  22      paycheck problems?  
                  23      A.     Yes.  
                  24      Q.     But you said --

25        A.        We were sitting there having dinner.

1 Q. Yeah.

2 A. You, me and Sandy, and I had mentioned that to  
you,  
3 but it wasn't the first night. This was several times  
that  
4 I came out thereafter that.

5 Q. Okay.

6 But at some point, you confided in me you had  
these  
7 problems and what, if anything, did I say?

8 A. You told me that you would look into it. You  
said  
9 that you don't know -- you didn't understand why they  
were  
10 doing that, but you said you would look into it for  
me.  
11 Q. But then you said that the Buccis told you why  
did  
12 you tell Traficant. Was that a correct statement?

13 A. Um-hum.

14 Q. So was it reasonable to assume that I had  
addressed  
15 the Buccis about your paycheck problem?

16 A. I don't know if you did or if you didn't.  
That's  
17 what I'm saying. I never heard from you after that,  
so I  
18 assumed that evidently you discussed it with them, or  
maybe  
19 you felt that it wasn't your need to.

20 Q. But nevertheless, they told you not to question  
21 Traficant. That was your testimony, right?

22 A. Right.

23 Q. Who told you that?

24 A. Robert told me.

25 Q. Robert told you that. And they said Jim was not



1       there a lot of the time; is that correct?

2       A.     Yes.

3       Q.     Who was there?

4       A.     George Buccella was there.

5       Q.     He was there?

6       A.     Sandy was there.

7       Q.     Intermittently. And who else was there?

8       A.     Sandy was the only other person there.

9       Q.     Sandy. Who told you what to do then?

10      A.     Sandy had gave me a note with a list of things  
for me

11      to do on it.

12      Q.     Did you save that note?

13      A.     Pardon?

14      Q.     Did you save that note?

15      A.     Well, no, I didn't save it.

16      Q.     Okay. But you went ahead and tried to do those  
17      things?

18      A.     Right.

19      Q.     When you were there, was there a dinner provided  
for

20      you?

21      A.     Dinners?

22      Q.     Food.

23      A.     Yeah. On a few occasions, you even took me out  
to

24      dinner at a restaurant.

25      Q.     But at some point, when you lost your job, you  
came



1 to me, is that correct, or you quit, whatever it was?

2 A. No. When I quit -- yeah, I did come to you.

And I

3 had asked you if you needed any work on the farm.

4 Q. Okay. I offered that you could live there for

free,

5 you'd have all your food free, and I could be able to

pay

6 you perhaps \$100 a month, is that your testimony?

7 A. Yes.

8 Q. Okay. So you said Buccella came. When he came,

9 sometimes it would be 10:00 or 11:00, could even be

later,

10 couldn't it?

11 A. Could have been, yes.

12 Q. And you said as much as 60 percent of the time

there

13 were people that would stop at the farm and talk?

14 A. Yeah.

15 Q. But you didn't know who those people were?

16 A. No.

17 Q. Okay. Now, you said you cleaned horses and

worked

18 with horses; is that correct?

19 A. Yes.

20 Q. Did you ever have any experience working with

horses

21 ever?

22 A. Yes, I did. I had -- when I worked down at the

23 fairgrounds in Columbus, I worked with horses, just

24        basically washing them, cleaning them.

25        Q.        What kind of horses were they?

geldings. 1 A. Some of them were stallions and some were  
farm, 2 Q. What were basically the horses at the Greenford  
3 what kind of horses were they?  
they 4 A. Well, I couldn't name them right offhand what  
5 were.  
6 Q. You know their gender?  
7 A. No, no. I didn't get into horses that much.  
8 Q. I see.  
that. 9 A. To know what breed they were or anything like  
10 Q. But you do know the difference between a  
stallion and 11 a gelding, do you not?  
12 A. Yes.  
13 Q. What is a gelding?  
14 A. What is a gelding.  
15 Q. Yes.  
16 A. It's a male horse.  
17 Q. And what is peculiar about this male horse?  
18 A. It is his legs.  
19 Q. Its what?  
20 A. Its legs and its teeth.  
21 Q. Uh-huh. Anything other than that that  
distinguishes 22 it from, for example, a mare?  
23 A. I wouldn't answer that because I wouldn't know  
on 24 that part.

25        Q.        Well -- you said you had some understanding of

1 horses.

2 A. Yes.

3 Q. And you worked on stallions. What does a  
stallion

4 have between its legs?

5 A. What's a stallion have between its legs?

6 Q. His back legs?

7 A. It has genitals.

8 Q. And what does the mare have?

9 A. A mare doesn't have that.

10 Q. I see. So a stallion and geldings are different  
than

11 mares, aren't they?

12 A. Yes, some aspect.

13 Q. Yeah. And that aspect is that they have a  
different

14 temperament and teeth and fire, and they're more

15 unpredictable, aren't they?

16 A. I would assume.

17 Q. You'd really have to watch them, wouldn't you?

18 A. Yes.

19 Q. But basically, stallions and geldings are  
similar,

20 right?

21 A. I couldn't answer it, Jim, on that.

22 Q. Well, you see a gelding doesn't have a set of

23 testicles?

24 THE COURT: He said he couldn't answer  
the

25 question. Let him answer the questions.





the

you

evidently,

about

their

did

- 1 MR. TRAFICANT: Okay. Let me rephrase
- 2 question.
- 3 Q. You said you were familiar with horses, and you
- 4 worked with horses, and you even cleaned horses, and
- 5 even cleaned stallions, but now, your testimony is you
- 6 couldn't identify a gelding from a stallion. So
- 7 you didn't know all that much about horses, did you?
- 8 A. I cleaned horses.
- 9 Q. Oh.
- 10 A. Wash them down, you know.
- 11 Q. But, you weren't afraid of horses?
- 12 A. No.
- 13 Q. Horses that were locked up, stallion horses, and
- 14 confined, and not turned out, you were not concerned
- 15 that, and you went in their stalls and cleaned up in
- 16 stalls?
- 17 A. No, we had to move the horses out of the stalls.
- 18 Q. And who moved those horses out of the stalls?
- 19 A. I did when I was there.
- 20 Q. And when you moved them out of the stalls, where
- 21 you put them?
- 22 A. Where did we put the horses?
- 23 Q. Yeah.

24       A.     Usually out on the field.

and       25       Q.     You put the horse -- a stallion out on the field

1       cleaned him?

2       A.     Yeah.

3       Q.     Did you know if there was, in fact, a stall in  
the

4       barn, what is called a wash stall that has heavy  
chains, so

5       you can chain the horse in and control him so he  
doesn't

6       run out and perhaps breed a Volkswagen, Mr. Altiero?

7       A.     Right.

8       Q.     Did you ever use the wash stall on a stallion  
horse?

9       A.     Yes.

10      Q.     But, you said you took the horse outside and  
cleaned

11      him first, are you now saying you now remember using  
the

12      wash stall?

13      A.     We're talking about I cleaned the horse stalls,  
what

14      did we do with the horses?

15      Q.     You said you turned them outside the field?

16      A.     When I cleaned the stalls, I cleaned one stall  
at a

17      time.

18      Q.     And what did you do with the horse?

19      A.     Just set that one out on the field.

20      Q.     In the field. You put a stallion in the field?

21      A.     Right.

22      Q.     What kind of fences did I have, Mr. Altiero?

23      A.     You had barb wire fencing.

right, 24 Q. Barb wire fences and these were stalled horse,  
25 kept in stalls?

1 A. Right.

2 Q. And they were stallions, in fact? Weren't all  
of  
3 them stallions in the big barn?

4 MR. KALL: Objection.

5 THE COURT: I think he's -- I think he  
can  
6 try and answer this.

7 MR. TRAFICANT: Yes.

8 Q. Weren't all of them in the big barn stallions,  
so  
9 they would be separated from the mares?

10 A. Right.

11 Q. Because when a mare comes in to season, a  
stallion  
12 smells the mare, right?

13 A. Right.

14 Q. And they can be vicious, can't they?

15 A. Yes.

16 Q. So you're saying that when you went to clean the  
17 stall --and this was in the spring and summer?

18 A. Yes.

19 Q. When do people normally breed horses?

20 A. Usually do it in the fall.

21 Q. Do you know when a registered horse's birth date  
is,  
22 officially?

23 A. No.

24 Q. You happen to know when most breeders breed  
mares?

25      A.      No.

1 Q. Okay. Did you see me breed mares at the farm?

2 A. Yeah, I did.

3 Q. Did you see mares come in to be bred?

4 A. Yes.

5 Q. Now, how were those mares bred; were they turned  
out

6 in the field?

7 A. No.

8 Q. What, if anything, do you remember?

9 A. When you had one mare that was going to be  
bread,

10 they're usually put -- you usually put it in the  
stall, one

11 particular stall and that was the one that we had to

12 reinforce walls on.

13 Q. And the two were just put in the stall?

14 A. Yes.

15 Q. And they were just let go in there?

16 A. Yeah, for a day or two.

17 Q. Um-hum. Well, in your knowledge of horses,  
don't you

18 test the mare to make sure she doesn't kick and kill

19 stallion if she wouldn't accept the stallion?

20 A. Yes.

21 Q. Um-hum. Isn't it a fact, Mr. Altiero, that  
every

22 horse bred on my farm is bred by hand, by Jim  
Traficant?

23 A. I don't remember that part, Jim.

into a           24       Q.     Oh, I see.  You just remember them being put

                  25       stall?



1 A. Yeah, that's all.

2 Q. Now, a stallion in the spring and summer, that  
you  
3 said was to be bred when you were cleaning those  
stalls,  
4 you turned them out into a field, right?

5 A. Not both horses, no, just one.

6 Q. And you turned them out into the field?

7 A. Yes.

8 Q. And it was a barb wire field?

9 A. Yes, the fence was made out of barb wire.

10 Q. Um-hum.

11 Isn't it very dangerous, unless a horse is  
familiar  
12 with barb wire, for someone to just turn that animal  
out  
13 into a field with such dangerous fencing? As a person  
who  
14 understands horses, isn't that a dangerous thing to  
do?

15 A. Yeah.

16 Q. So you were lucky then, right?

17 A. Right.

18 Q. The horse didn't get hurt?

19 A. Right.

20 Q. Then you said the Buccis were taking things not  
only  
21 from your pay but other people's pay?

22 A. Yes.

23 Q. And when you discussed those options with me,  
did I

24 not tell you you had rights?

25 A. Yes, you did.

1 Q. And what, if anything, do you recall about that  
2 conversation?

3 A. What, if anything, I recall on it?

4 Q. Yeah.

5 A. I don't remember a whole lot about the  
conversation  
6 that we had, other than you told me that you were  
going to  
7 look into the matter, and that you would let me know  
one  
8 way or the other whether you could do anything.

9 Q. But, you did have rights?

10 A. Yes.

11 Q. And I was not a law enforcement officer, did I  
not  
12 tell you that?

13 A. Right.

14 Q. I was a Congressman?

15 A. Right.

16 Q. So you do not know whether I contacted the  
Buccis or  
17 not, is that your testimony?

18 A. I don't know if you did or if you didn't.  
That's --

19 Q. But, after we had that conversation, is that  
when  
20 Robert Bucci told you not to question Traficant about  
your  
21 pay?

22 A. Right, that's when he had told me about it. He  
said  
23 don't go to Jim anymore and question him about your

24       paychecks.

25       Q.     Did you have problems at the time with your wife  
or

Did 1 your live-in girlfriend and had a rough place to stay?

2 you relay that to me?

3 A. Yes, I did.

4 Q. Did I make an offer to you early on that if you

5 needed a place to stay, you could have a place to

stay?

6 A. That's the offer that you had gave me, yeah.

You 7 told me I was -- I was welcome to come out there and

live, 8 work out there on the farm. This way, it would help

you. 9 And I had told you at that particular time that I

would 10 have to think about it because I was still working for

them 11 at the time.

12 Q. But, would you say in essence, I did everything

I 13 could to try and help you as a person?

14 A. Yeah, I would say you did. I mean I wasn't

expecting 15 the world from you. I mean I -- I would say you

probably 16 did what you could.

17 Q. Okay.

18 Now, when you say the Buccis were paying you to

work 19 at the farm, was the amount they totally owed you, the

20 money they paid you for what you said was work for you

to

their           21       do at the Traficant farm, did they finally clean up

                 22       bill with you?

about           23       A.     No, they didn't.  They -- they roughly owed me

                 24       \$1500.

                 25       Q.     So then you quit?

1 A. Yeah.

2 Q. And you finally despaired?

3 A. Right.

4 Q. But, they didn't want you hanging around their  
office

5 space too much, did they? Is that a fact?

6 A. True.

7 Q. Did they feel that you were a bad influence in  
8 discussing this with other employees?

9 MR. KALL: Objection.

10 THE COURT: He doesn't have personal  
11 knowledge of that, Congressman.

12 Q. Did you have any personal knowledge of them  
asking

13 you not to associate and discuss your paycheck  
problems

14 with other employees?

15 THE WITNESS: Well, at the time I didn't  
even

16 know who else was having their money taken out until I  
had

17 found out later on through the investigators that were  
18 investigating them.

19 Q. Did you let the Buccis know that?

20 A. Did I let them know that they --

21 Q. About the other people.

22 A. No.

23 Q. Okay.

24 Now, when you met with these two IRS agents,  
they

25        focused in on the Buccis problems; is that correct?



1 A. Yes.

2 Q. Did they ask you a lot of questions about me?

3 A. They asked me several different questions about  
you,

4 and I basically just told them what I had did at the  
farm,

5 that's it.

6 Q. Did they take notes?

7 A. Yes, they did.

8 Q. Did they videotape or audio tape you when you  
talked

9 to them?

10 A. No.

11 Q. Now, you said at some particular point, I did  
owe you

12 some money. And was it your testimony that Sandy told  
you

13 when Jim gets back, he'll pay, is that it?

14 A. Yeah.

15 Q. And then you said we lost contact?

16 A. You were in Washington, D.C. at the time, and  
she had

17 told me that when Jim comes back from out of town,  
that he

18 would pay you, and it wasn't very much that you owed  
me for

19 doing the work.

20 Q. Was it billed? When you sent me a bill, did I  
know

21 what it was?

22 A. No, I didn't send you no bill. All it was was  
just

23       cleaning up around the farm there.

24       Q.     Okay.

25       A.     That's all.



help, 1 Q. But, at the time, you needed a little bit of  
2 didn't you?  
3 A. Yes.  
can 4 Q. And didn't you ask Sandy is there some things I  
5 do to make a few bucks?  
6 A. Yes, I did.  
7 Q. All right. And did we try to do that for you?  
8 A. As far as giving me extra work?  
then we 9 Q. No, as far as that one incident at least and  
10 lost contact?  
anything 11 A. Well, yeah, you told me that if there was  
12 that you could do, that you would. But, you didn't  
have 13 anything afterwards, and that's when we had lost  
contact 14 with one another.  
15 Q. But, I did say that if you had no place to live,  
you 16 could live in the basement, free of charge, is that  
right? 17 A. Well, I don't recall the basement. Now this was  
-- 18 Q. An apartment, whatever it was?  
19 A. This was an apartment that you had adjacent to  
the 20 house there.  
21 Q. Okay. So, it was an apartment?  
22 A. Because I remember you --

23 Q. But, it would be free of charge?

the 24 A. I remember you taking me upstairs and showing me

25 apartment.

that not 1 Q. Okay. It was the upstairs, okay, fine. Was  
2 a nice apartment?  
yes 3 A. Yeah, it was a nice apartment. I'd have to say  
4 on that.  
it 5 Q. And did you have to take anything into it? Did  
6 have a stove and refrigerator and everything else that  
was 7 needed?  
there 8 A. Well, when we went in it, there wasn't any --  
or -- 9 wasn't any furniture in it. I don't remember a stove  
10 Q. Okay.  
have 11 Now, were you understanding that you would not  
12 to pay rent?  
13 A. No, not -- well, you had told me the \$100 would  
14 include the room and board, free room and board.  
15 Q. And board meant what?  
living 16 A. Well, usually room and board is when you're  
17 there, you -- you're going to be fed somehow.  
18 Q. You would get three squares, too, wouldn't you,  
19 Mr. Altiero?  
20 A. I would assume, yes.  
you 21 Q. And it was your decision just to -- you found --  
22 went back with your wife or girlfriend, is that what  
23 happened?

that, 24 A. No, she had went back to Pennsylvania after  
25 after the -- we had talked.

in a                   1       Q.     Did you, at some point in any of this time, live  
shelters?           2       home for people who didn't have homes or need

3       A.     Did I ever live in a home like that?

4       Q.     Yes.

5       A.     No, I haven't.

6       Q.     Best of your knowledge?

7                   MR. TRAFICANT: Thank you, Joe.

8                   REDIRECT EXAMINATION OF JOSEPH ALTIERO

9       BY MR. KALL:

about the           10      Q.     Mr. Altiero, you were asked a few questions  
horses at the Congressman's farm. Do you recall that?

11      A.     Yes, I do.

12      Q.     Do you know how many horses he had out there?

all               13      A.     I was told that he had 25 horses. They weren't

you               14      actually out there at the farm all at one time because

15      didn't have that many stalls.

16      Q.     How many horses were out at the farm?

17      A.     I would say you had about seven at that time.

horses,           18      Q.     Other than what's involved with breeding the

is               19      can you describe what kind of maintenance and upkeep

20      necessary on horses?

and               21      A.     The maintenance is they have to be fed everyday,

day               22      those -- the stalls have to be cleaned at least once a



- be            24            for them. And normally, they generally have to have -  
                 25            washed down and combed, brushed.

1 Q. During the time that you were out there, who did  
2 that?  
3 A. When Jim wasn't there, sometimes Sandy would do  
it.  
4 When Sandy wasn't there, I'd wash down the horses and  
brush  
5 them.  
6 Q. How often was Congressman Traficant not out  
there?  
7 A. Well, there were periods of times that he wasn't  
8 there, off and on. I'd say sometimes it would go  
maybe two  
9 weeks at a time.  
10 Q. You were asked some questions about a  
conversation  
11 that you had with Robert Bucci. Do you recall those  
12 questions?  
13 A. Yes.  
14 Q. Did you ever tell the Buccis that you would talk  
to  
15 Congressman Traficant about your own paycheck?  
16 A. Did I ever tell the Buccis I was going to talk  
to  
17 Congressman Traficant? No, I never did tell them  
that.  
18 Q. You were asked a series of questions about  
George  
19 Buccella and his time out at the farm. You recall  
those  
20 questions?  
21 A. Yes.

22 Q. During the time that you saw George Buccella out  
23 there, did you ever see him cleaning the horse stalls?  
24 A. He might have done maybe once or twice.  
25 Q. Did you ever see George Buccella assisting in  
laying

1 the floor in the barn that you just discussed?

2 A. Yeah, and he helped us with that.

3 Q. Did George Buccella help bale the hay?

4 A. Yes.

5 Q. Did George Buccella help repair the fence?

6 A. No.

7 Q. Did George Buccella assist in reinforcing the  
stalls?

8 A. No, he wasn't there that day. He didn't do  
that.

9 Q. Did George Buccella help in moving the horses,  
10 washing them down, that type of thing?

11 A. He might have.

12 Q. Congressman Traficant asked you questions  
regarding  
13 if he did everything he could to help you when you  
were  
14 down. Do you recall those questions?

15 A. Yes, I do.

16 Q. Let me ask you this: Did Congressman Traficant  
ever  
17 offer to pay you for the work you had already done at  
the  
18 farm?

19 A. Did he offer to pay me for the work I did at the  
20 farm?

21 Q. Yes.

22 A. No, other than the money I was told that I was  
going  
23 to receive, that was it.

you

24 Q. Why didn't you take the job that he had offered  
25 with room, board, and \$100 a month?

for 1 A. Why didn't I take the job? I was still working  
was 2 the Bucci brothers at the time, and I didn't feel that  
girlfriend had 3 the right time to relocate because my former  
4 cancer, and she was going into remission of that.

you 5 Q. What was your understanding of how many hours  
position? 6 would be required to work if you accepted that  
was 7 A. We didn't discuss hours on it. I -- I knew it  
job 8 probably going to be at least an eight to ten-hour-day  
many 9 here. Jim never actually came out and told me how  
10 hours a day I would be working there.

hours 11 Q. When you left there, did Sandy know how many  
12 you had worked?

13 A. Yeah.

further 14 MR. KALL: Just a moment, please. No  
15 questions, your Honor.

16 THE COURT: Thank you.

17 THE COURT: You can proceed,  
Congressman.

18 RECROSS-EXAMINATION OF JOSEPH ALTIERO  
19 BY MR. TRAFICANT:

breeding 20 Q. You said there were only 25 horses at the  
21 farm?

22 A. Yes.

23 Q. That's about it? And they had to be fed and the

24 stalls had to be cleaned and combed and brushed,  
correct?

25 A. Yes.

1 Q. And when I was there, I did that?

2 A. Yeah, you -- you did it most of the time.

3 Q. When I was there, did I clean stalls, Joe?

4 A. Pardon?

5 Q. When I was there, did I clean stalls?

6 A. No, I never seen you clean stalls when you were  
7 there.

8 Q. Okay.

9 Now, in the making of this hay, who drove the  
10 tractors?

11 A. You did.

12 Q. And then who ran the machine to get it ready so  
it  
13 could be baled?

14 A. As far as the baler, you're talking about?

15 Q. Yeah.

16 A. That was all driven off by the tractor.

17 Q. Who was on the tractor?

18 A. Well, you were on the tractor.

19 Q. So I did all of that and then had people help  
put the  
20 hay really in the barn, right?

21 A. Yes.

22 Q. Okay. That's a tough job, isn't it?

23 A. Well, I'd say so, yes.

24 Q. It's a muscle builder?

25 A. Yeah, if you are not used to throwing 50-pound  
bales





1 of hay.

2 Q. That basically happens two months of the year,  
3 doesn't it?

4 A. Sometimes three.

5 Q. Maybe three. Yeah, that's true.

6 A. Depending on the weather.

7 Q. Yeah, depending on the weather. In our area,  
8 sometimes it's two, two and a half, I'll agree with  
that.

9 And you say that you may have cleaned some  
stalls?

10 A. Yes.

11 Q. And he may have helped with the baling?

12 A. Yes, he was there for the baling.

13 Q. Okay.

14 A. As a matter of fact, I remember you saying you'd  
like  
faster.

15 to get as many people as you could so it would go  
16 Q. Yeah, you get it done and get out of there,  
right?

17 A. Right, about -- right, because it was hot, and  
you  
that

18 were frustrated because of the heat, and everything  
19 was going on in Washington, so.

20 Q. And we had to do this basically at a time when I  
was

21 in the area, right?

22 A. Yeah.

23 Q. And hay needs a couple of days to dry. You  
can't put

24        wet hay in the barn, can you?

25        A.        No.

1 Q. If you put wet hay in the barn, what happens?

2 A. It mildews.

3 Q. What else might happen?

4 A. It spoils or get sour, as they call it.

5 Q. And when it gets sour, does it not also cause

6 ignitable combustion and cause fires?

7 A. Right.

8 Q. So it takes time to make hay, doesn't it?

9 A. Right.

10 Q. One thing you're always doing when you're making  
hay  
right?  
11 is you're trying to do it when the sun is shining,

12 A. Yes.

13 Q. And you want to beat the rain?

14 A. Right.

15 Q. And George did nothing with fences?

16 A. No.

17 Q. And nothing with stalls?

18 A. No. Like I said, he may have cleaned a stall  
maybe  
19 when I went there.

20 Q. You never saw him clean a stall, did you?

21 A. Pardon?

22 Q. You never saw George Buccella clean a stall, is  
that  
23 your answer, period?

24 A. No, I'm saying that he may have cleaned a stall  
when  
25 I wasn't there.



1 Q. Okay. Let me rephrase that.

2 A. He worked out there --

3 Q. Yes, but when you were there, did you see George  
4 Buccella in a stall cleaning his stall?

5 A. Yes.

6 Q. You did? Okay then. On many occasions?

7 A. On numerous occasions.

8 Q. Okay. Now, you said you didn't take the job or  
the  
9 arrangement that I offered you because you were still  
10 working with the Buccis?

11 A. Yes.

12 Q. And where were you living at that time?

13 A. I was living in Niles.

14 Q. In your own apartment?

15 A. Well, it was my own little house, yes.

16 Q. Okay.

17 And you thought it would be an eight to  
18 ten-hour-a-day job, and that really was the reason you  
19 didn't take it, right?

20 A. No, I didn't think it was going to be an eight  
to  
21 ten-hour job. You and I had never discussed how many  
hours  
22 I would be working out there.

23 Q. Well, didn't we discuss that the horses had to  
be  
24 fed?

25      A.      Yes.

1 Q. The stalls had to be cleaned?

2 A. Yes.

3 Q. And if a fence was down, it had to be fixed?

4 A. Yes.

5 Q. And if a horse kicked the door down, we had to  
hang  
6 the door back up?

7 A. Right.

8 Q. And we had to cut grass?

9 A. Right.

10 Q. And then when it came to be hay season, you  
would be  
11 required to help me with hay?

12 A. Right.

13 Q. All right.

14 When you make hay, sometimes those could be 12,  
15 14-hour days, couldn't it?

16 A. Yes, because you can't stop in the middle of it  
and  
17 say we'll wait for another day.

18 Q. Now, you were asked by the Government, when you  
left,  
19 did Sandy know how many hours you worked, and you  
answered  
20 yes?

21 A. Yes, she did.

22 Q. She had an understanding of --

23 A. She had an understanding of it because I --  
after I  
24 finished doing what I did, I went up to the house and  
told



25            her I was done, and that I told her -- I said just  
tell Jim

that 1 that this is the hours I have for being out here and  
2 was it.  
3 Q. And you expected, by giving her the hours, to be  
4 paid?  
5 A. Yeah.  
6 Q. By whom?  
7 A. Well, either by her or you. She just told me  
that 8 Jim would pay you when he would come back.  
9 Q. Well, the question I have here in finality is  
why 10 would I pay you anything if the Buccis were paying  
you? 11 You were still on the payroll, and you said you told  
me the 12 Buccis were paying you to work out there.  
13 A. This is after I quit out there, when I came out  
to 14 work out there.  
15 Q. Oh, this is after you quit?  
16 A. Yes.  
17 Q. After all this, would you consider the two of us  
to 18 be at least friendly associates?  
19 A. Well, I would assume so. I mean I haven't, you  
know, 20 we haven't drawn enemies that I know of. There was no  
21 bitterness between you and I, if that's what you're  
saying.

with

22 Q. But, you never told the Buccis that you talked

23 me, did you?

24 A. No.

25 Q. No, that was between you and I?

888

1 A. Yes.

2 Q. But, the Buccis did -- after we talked, the  
Buccis  
3 did tell you not to question Traficant about your  
paycheck;  
4 is that correct?

5 A. Yes.

6 Q. No further questions?

7 A. Somehow or other they found out I had mentioned  
it to  
8 you. I don't know if -- who they found it out from,  
but  
9 that's what I was told.

10 Q. Well, then let me ask you this. Did you tell  
anybody  
11 other than me to help intervene with the Buccis?

12 A. No.

13 Q. Never mentioned it to anybody else? But,  
somehow  
14 they found out?

15 A. Um-hum.

16 Q. Isn't it a fact, Joe, that's why they told you  
don't  
17 tell Traficant anything else?

18 A. As far as --

19 Q. Be truthful.

20 A. Pardon?

21 Q. Isn't that why they told you don't tell  
Traficant  
22 anything about your paychecks?

23 MR. KALL: Objection, your Honor.

24

THE COURT: He can answer.

25

THE WITNESS: They had told me -- it was

1 almost like a threat is what they was telling me.

2 Q. About telling me anything?

3 A. Yeah.

4 Q. Specifically, Traficant?

5 A. It was like a threat. They said don't go asking  
6 questions to Jim about your paycheck.

7 MR. TRAFICANT: No further questions.

8 THE COURT: Thank you.

9 MR. KALL: No further questions, your  
Honor.

10 THE COURT: Thank you sir, you're

11 excused. You can step down. We're going to recess  
for the

12 lunch period now. I need the lawyers to stay briefly.

13 Enjoy your lunch, remember the admonitions, and we'll  
see

14 you back here 1:30 ready to go again.

15 MR. TRAFICANT: Could we have an  
additional

16 five minutes on break for a little longer than -- I  
have

17 some things I need to take care of.

18 THE COURT: You may be able to do that.  
But

19 before the lawyers and the Defendant pro se break, we  
have

20 some work to do, and so I'm not sure how long it'll  
take,

21 but I want you to -- yes, you can go whatever you need  
to

work we 22 do, and come right back because there's some other  
23 need to do.  
24 MR. MORFORD: I just didn't know if you  
be 25 wanted to cover both of those at the same time. I'll

1 right back.

2 (Proceedings in the absence of the jury:)

3 THE COURT: Gentlemen, we have an issue  
that

4 I want to address with both of you. We have a phone  
call

5 that we're going to take from Mr. DiBlasio and his  
lawyers

6 because yesterday, when we took his statement, he was  
not

7 under oath, and so we're simply going to put him under  
oath

8 and retake -- re-ask the questions so that the  
questions

9 will be taken under oath.

10 And then you have something, can you explain  
what

11 that will be, please?

12 MR. MORFORD: Yes, your Honor. As I  
13 explained before, last night a witness that was to  
come

14 into town explained he had spoken to a lawyer friend  
who

15 suggested that because other congressional employees  
had

16 obtained immunity as part of their testimony, that he  
would

17 like the same, and given the late hour and our  
inability to

18 do the full statutory immunity, Matthew Cain, the  
chief of

19 our criminal division, has wrote a letter to this  
witness

20 explaining that the United States Attorney for the  
Northern



not use 21 District of Ohio agrees that the United States will  
this 22 the trial testimony or any leads therefrom against  
proffer 23 witness in any criminal matter, and I would like to  
24 a copy of that.  
25 THE COURT: Okay. You gave a copy of  
that to

1 the Congressman?

2 MR. MORFORD: Yes, I did.

3 THE COURT: Okay. Let's see whether we  
can  
should  
4 take care of this DiBlasio old matter first. That  
5 not take very much time.  
6 (Teleconference)  
7 THE CLERK: Hi, this is Lynn from Judge  
8 Wells' chambers calling for Mr. Kersey.  
9 SECRETARY: Sorry?  
10 THE CLERK: Judge Wells.  
11 SECRETARY: One moment.  
12 SECRETARY: Have you been helped?  
13 THE COURT: Waiting for Mr. Kersey.  
14 SECRETARY: Your name?  
15 THE CLERK: Lynn from Judge Wells'  
chambers.  
16 SECRETARY: Thank you, Lynn.  
17 MR. KERSEY: Hello.  
18 THE CLERK: Mr. Kersey, can you hold  
until I  
19 get Mr. DiBlasio? Hello?  
20 MR. KERSEY: Hello?  
21 THE CLERK: Can you hold until I get Mr.  
22 DiBlasio?  
23 MR. KERSEY: We're on the speaker phone  
here,  
24 Dave Grant and myself, but --

THE CLERK: Just a minute, please.

1 MR. DiBLASIO: Hello.

2 THE CLERK: Hi, Mr. DiBlasio.

3 MR. DiBLASIO: Yes.

4 THE CLERK: This is Lynn from Judge  
Wells'

5 chambers, hold on just a minute. Do I have Mr.  
Kersey?

6 MR. KERSEY: Mr. Grant's here.

7 THE CLERK: And Mr. DiBlasio?

8 MR. DiBLASIO: Yes.

9 MR. KERSEY: We're here.

10 MR. DiBLASIO: I'm here.

11 THE COURT: All right. And now from the  
--

12 from the East courtroom with the Defendant present and  
the

13 attorneys for the Government, this is Lesley Wells,  
the

14 Judge in this case, and I'm sorry to get back to you  
again,

15 but we need to put you under oath.

16 MR. DiBLASIO: I can't hear whatever  
that is.

17 THE COURT: Okay. Mr. DiBlasio?

18 MR. DiBLASIO: Yes.

19 THE COURT: Can you hear me now?

20 MR. DiBLASIO: Yes.

21 THE COURT: This is Judge Wells.

22 MR. DiBLASIO: Yes, ma'am.

23 THE COURT: Sorry to bother you again,  
but we

24        need to put you under oath or affirmation and --

25 MR. DiBLASIO: All right. I'll raise my

1 hand.

2 THE COURT: All right. In the testimony

will 3 you're about to give, do you affirm or swear that you

truth 4 tell the truth, the whole truth, and nothing but the

5 under the pains and penalties of perjury?

6 MR. DiBLASIO: I do.

7 THE COURT: Thank you, sir.

that 8 And now we're going to put this phone down so

9 you can be asked a couple of questions.

10 MR. DiBLASIO: Okay.

phone, 11 THE COURT: Your lawyers are on the

12 correct.

13 MR. KERSEY: Yes, your Honor.

14 MR. GRANT: Yes, your Honor.

15 THE COURT: Thank you.

name 16 MR. SMITH: Mr. Kersey, Mr. DiBlasio, my

Attorney 17 is Bernard Smith, I'm an Assistant United States

18 for the Northern District of Ohio.

I 19 Mr. Kersey, I am going to ask the same questions

20 asked yesterday.

man by 21 Question Number 1, Mr. DiBlasio, do you know a

22 the name of James A. Traficant, Junior.

23 MR. DiBLASIO: On advice of counsel, I

the 24 respectfully decline to answer under the provisions of  
25 Fifth Amendment of our constitution.

1 MR. SMITH: Question Number 2, Mr.  
DiBlasio,  
2 did you ever work for or were you ever employed by  
James A.  
3 Traficant, Junior?  
4 MR. TRAFICANT: Object.  
5 MR. DiBLASIO: On advice of counsel, I  
6 respectfully decline to answer under the provisions of  
the  
7 Fifth Amendment of our constitution.  
8 MR. SMITH: Last question.  
9 MR. TRAFICANT: Objection.  
10 THE COURT: Are you objecting to the  
11 questions, Congressman?  
12 MR. TRAFICANT: He's already stated his  
Fifth  
13 Amendment. How many times is he going to do it in  
this  
14 case, 20 times?  
15 THE COURT: No, not 20, you can proceed.  
16 MR. SMITH: My last question is, Mr.  
DiBlasio,  
17 in the mid 1980's, did you ever tell Jacqueline Bobby  
that  
18 you were having to pay back part of your congressional  
19 salary to James A. Traficant, Junior?  
20 MR. DiBLASIO: On advice of counsel,  
again, I  
21 respectfully decline to answer under the provisions of  
the  
22 Fifth Amendment of our constitution.



further 23 MR. SMITH: Your Honor, I have no  
24 questions.  
25 THE COURT: Thank you. Mr. Traficant?

This is 1 MR. TRAFICANT: How are you, Henry?

2 Jim Traficant.

3 MR. DiBLASIO: I'm fine.

4 MR. TRAFICANT: I have a couple  
questions.

5 Number 1, how's your health?

6 MR. DiBLASIO: Not good, but on advice  
of

7 counsel, I respectfully decline to answer under the  
8 provisions of the Fifth Amendment of our constitution.

9 MR. TRAFICANT: If you were to have to  
travel

10 up here and be subject to it, would it be of serious  
harm

11 to you?

12 MR. DiBLASIO: My medical condition is  
bad,

13 but on advice of counsel, I respectfully decline to  
answer

14 under the provisions of the Fifth Amendment of our  
15 constitution.

16 MR. TRAFICANT: No further questions.

17 MR. DiBLASIO: I want to --I don't want  
to

18 waive that privilege.

19 MR. TRAFICANT: No further questions,  
and

20 good luck with your health, Henry.

21 MR. DiBLASIO: Thank you.

22 THE COURT: Thank you. And that  
satisfies the

23 requirements of this witness.

24 MR. KERSEY: Judge, is that all?

25 THE COURT: This witness is unavailable.

It

1 is all, Mr. Kersey. Thank you very much.

2 MR. KERSEY: Thank you, your Honor, Mr.

Grant 3 is here, too.

4 THE COURT: Mr. Grant, Mr. DiBlasio,

thank 5 you.

6 MR. DiBLASIO: Are we finished?

7 THE CLERK: Yes.

8 MR. DiBLASIO: Thank you very much.

Sorry 9 for the inconvenience.

10 MR. KERSEY: All right.

11 THE CLERK: All right. Bye.

12 MR. TRAFICANT: Your Honor, for the

record, I 13 want to object to this whole process. There was a

letter 14 that was sent here, both parties agreed to and

stipulated, 15 Mr. DiBlasio was sick and was going to cite his Fifth

16 Amendment. Mr. Kersey appeared, and we had an

agreement. 17 Then we've gone through now not one but two separate

18 questionings that are highly inflammable and

prejudicial to 19 the Defendant. Quite frankly, I don't give a damn

what he 20 would have said here, but the point is you've allowed

three 21 times for a Fifth Amendment invocation of a person who

is 22 very ill, whose doctor said he is very ill, and the

23 Government brought the letter to us and asked Mr.  
Kersey to  
24 bring the letter. And that is my objection for the  
record.  
25 THE COURT: Thank you, Congressman. We  
now

1 have a set -- separate issue to address. For the  
2 Government?

3 MR. MORFORD: Yes, your Honor, given the

4 nature of this immunity, which is a promise by the  
5 Government in a letter, I do not believe that we need

to do

6 the normal statutory immunity step and then have the

Court

7 invoke an order because there is no order. We have

our

8 office promised him, the United States, would not use

his

9 testimony in any way against him, and so I think

that's

10 sufficient.

11 THE COURT: Is this a witness you're

going

12 call?

13 MR. MORFORD: Yes, someone we would call

14 after the lunch break, our next witness.

15 THE COURT: Okay.

16 MR. TRAFICANT: I do object to this, not

the

17 normal process, and I do object to the fact that they

did

18 not notify me of this until a late hour. I was under

the

19 impression that Mr. Richards was going to testify.

They

20 gave me his package, and now they have all the

paperwork

21 completed, and I object to the fact that not only for

22           myself but for the rights of Mr. Richards be  
protected.

23                       And for the Government's assurances that that  
will be

24           the same in spite of the fact that they do not have  
all the

25           paperwork they normally have, with all these immunized

1 witnesses.

a

2 MR. MORFORD: Your Honor, that's a just

3 mischaracterization of what I said. There are several

use

4 different ways to provide immunity. There are some we

letter of

5 more often than not when we get into these kinds of

6 situations in trial. It's very typical to use a

to

7 immunity. It is an acceptable practice, and it's done

8 keep the jury from sitting around while we try to get

9 papers to people in Washington.

not the

10 There's nothing unusual about this, it's just

the

11 way we prefer to do it. That's nothing that changes

the

12 nature of the immunity, and it has nothing to do with

make

13 Congressman. It has to do with a witness who wants to

to

14 sure that nothing he says here is going to come back

15 haunt him.

the

16 MR. TRAFICANT: My problem is: Is this

way?

17 only immunized witness who will have been treated this

18 MR. MORFORD: Not necessarily.

people

19 THE COURT: We don't know. People --

20 during a trial sometimes take the Fifth Amendment when



21       nobody anticipated they were going to take it.  And --  
22                       MR. TRAFICANT:  Up to this --  
23                       THE COURT:  -- sometimes are granted  
immunity  
24       at times that neither the Court nor you has anything  
to do  
25       with.

Up to 1 MR. TRAFICANT: Okay. My question is:  
2 this point, have all of the other witnesses that have  
3 invoked their Fifth Amendment and then with the  
proffer 4 made from the Government, accepted immunity, his -- is  
he 5 the first to be treated differently in process as they  
have 6 been?

7 MR. MORFORD: He's the first witness  
that at 8 a late hour the night before he was to testify told us  
he 9 wanted something that we -- he had never told us  
before, 10 and we've handled it appropriately. But I would note,  
your 11 Honor, that we believe we are not -- this is not  
something 12 that's required to be brought out until direct  
examination. 13

14 The point is we gave it to him this morning before the  
15 witness testified. He knows the witness is testifying  
under immunity. There's nothing magical about that.

16 THE COURT: Now enjoy your lunch, and  
I'll 17 give you the extra five minutes you wanted.

18 MR. TRAFICANT: I have a motion to make,  
and 19 I would like to know if I can make it.

20 THE COURT: It would be good to make it  
right

21       now.

22                       MR. TRAFICANT:  Do I have to make it in  
23       writing, or could I make the motion orally?

24                       THE COURT:  You can -- most motions you  
can  
25       make orally.

900

and 1 MR. TRAFICANT: Okay. I would request  
2 the Court to order that the personnel files and the  
deposed 3 personnel history of Mr. Tom Williams, who will be  
made 4 in Florida and his supervisor, Mr. David Dreger, be  
review 5 available to me in a timely manner so that I can  
6 their case history and personnel history.  
7 THE COURT: You want to respond?  
8 MR. MORFORD: Your Honor, I don't  
believe we 9 have those records. Congressman Traficant has the  
power 10 through the Court to issue a subpoena, and he has  
known 11 since some time -- well, for quite sometime that we  
would 12 be going down to talk to Mr. Williams. We don't have  
those 13 records to the best of my knowledge.  
have 14 MR. TRAFICANT: Being that we both don't  
15 them, wouldn't it be expeditious, rather than file a  
limited 16 subpoena and go through all that process with the  
17 period of time that we have, to make available those  
time 18 personnel records for both of us. I'm sure they have  
19 to clean them up for you guys.  
you 20 THE COURT: What I would suggest is that

as a 21 talk with the -- with the other lawyers in this case,  
and 22 lawyer, and get yourself straight about what you can  
Florida. 23 can't agree about this whole process of going to  
24 You're going to do depositions in Florida, and these  
25 depositions are important to both of you.



901

has 1 So work out whatever you can, but the Government  
don't 2 said they don't have what it is you want, and I also  
yet? 3 know yet which day you're going down. Is that settled

4 MR. KALL: Your Honor, we made  
arrangements 5 for a Court Reporter in a conference room in Cape  
Canaveral 6 next Thursday, the 28th.

7 THE COURT: Does that meet with the  
witness' 8 needs?

9 MR. KALL: Yes, it does, as long as it  
10 happens in the afternoon.

11 THE COURT: So I can now tell the jurors  
that 12 they will not need to be here Wednesday, Thursday, and  
13 Friday of next week?

14 MR. KALL: Yes, your Honor.

15 THE COURT: Okay. Very well.

16 MR. TRAFICANT: For the record, this is  
the 17 first I've heard of the Thursday, February scheduling.

18 THE COURT: Right.

19 MR. TRAFICANT: They said they were  
going to 20 try.

21 THE COURT: They were going to try.

22 MR. TRAFICANT: I'll give them that, but  
they

the           23        didn't give me any specific, second of all.  Back to

              24        original issue --

              25                   THE COURT:  Okay.



1 MR. TRAFICANT: Okay.

2 THE COURT: You have all kinds of  
things?

3 MR. TRAFICANT: The motion I have, and  
I'm

4 asking the Court to order for the purpose of  
expedience

5 because of this time frame, is that the personnel  
folders

6 and all documents of personnel history on Mr. Williams  
and

7 Mr. Dreger be made available to both parties, very  
fairly.

8 THE COURT: I can't make such an order.  
You

9 have -- you have the right to subpoena whatever you  
think

10 is what you need. Okay. The Government doesn't have  
11 these. There's nobody for me to order this against,  
and

12 it's not the kind of work that the Court does on  
behalf of

13 parties.

14 So what I suggest you do is to get yourself  
focused

15 on what it is you need to do before you depose this  
man

16 next Thursday. It's more than a week away, and you  
have

17 lot of time, and you should concern yourself with that  
18 because you're representing yourself.

19 MR. MORFORD: Two quick notes, your  
Honor,

20 these are State records. I don't know what the State

21 Privacy Act rules would be --

22 THE COURT: I have no idea, either. I

don't

23 even know against whom such an order would run, if I

were

24 to grant one, and I'm denying your motion.

25 MR. TRAFICANT: Okay.

1 THE COURT: Thank you.

2 MR. TRAFICANT: Finally it's 12:20, your

3 Honor. Could we have a couple extra minutes maybe  
 convene  
 4 approximately at 2:00?

5 THE COURT: I think we'll take -- we'll  
 take  
 6 a full hour and 15 minutes for ourselves. We used up  
 about

7 15 minutes and so wherever that leaves us. Yeah, 1:30  
 8 we'll reconvene. Thank you.

9 (Thereupon, a luncheon recess was taken.)

10

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P.M. 1 Wednesday Session, February 20, 2002, at 1:30

2 HAYDEN WEST RICHARDS,

RICHARDS 3 of lawful age, a witness called by the HAYDEN WEST

4 being first duly sworn, was examined

5 and testified as follows:

6 DIRECT EXAMINATION OF HAYDEN WEST RICHARDS

7 BY MR. MORFORD:

8 Q. Good afternoon.

9 A. Hi.

your 10 Q. Could you please state your full name and spell

11 last name for the Court Reporter?

12 A. Yes, it's Hayden West Richards.

name? 13 Q. Actually, I should ask you to spell the first

14 A. H-A-Y-D-E-N.

15 Q. Go ahead with the last name as well.

16 A. R-I-C-H-A-R-D-S.

17 Q. Wes or West?

18 A. West with a "T."

19 Q. Okay.

under a 20 And, Mr. Richards, are you testifying today

21 letter promise of immunity?

22 A. Yes.

23 Q. And could you explain to the jury what your

24 understanding is of that immunity, the items of the

25 immunity?



and

1 A. Simply that an outcome of the case, information  
2 so forth as a result of my testimony will not hold me  
3 liable for any future problems.

4 Q. Your words won't be used against you?

5 A. Basically, right.

Congressman

6 Q. And could you tell us, do you know the  
7 James Traficant?

8 A. Yes.

9 Q. And how did you first come to know Congressman  
10 Traficant?

my

11 A. There was a -- an internship in Washington, an  
12 internship program in 1985 when I was in college that

boss

13 father had heard about, and I think it was my father's

contact,

14 who actually knew Henry DiBlasio, and through that

15 I was able to apply for the internship.

16 Q. Where were you going to college at that time?

17 A. Carnegie Mellon University in Pittsburgh.

18 Q. And what year are we talking?

19 A. This would have been 1985.

the

20 Q. And did you end up serving an internship with

21 office of Congressman James Traficant?

22 A. Yes.

23 Q. And how long was the internship?

24 A. It was a full semester.

25        Q.        And where did you serve that internship, which



1 office?

2 A. We, at that time, were in the Cannon Building.

3 Q. So this was in Washington, not back in  
Youngstown?

4 A. Correct.

5 Q. And when did you end up graduating from college?

6 A. 1987.

7 Q. And what did you do upon graduating from  
college?

8 A. After graduation, I took a little time off in  
the

9 summer. And then I volunteered in the Youngstown  
office, a

10 couple days a week for three months.

11 Q. For what purpose did you agree to serve as a

12 volunteer worker in the Youngstown office for a couple

13 months, what were you trying to accomplish?

14 A. I was just trying to volunteer in the office and  
to

15 help out and to basically get visibility again and

16 learn a little bit about how the district offices worked.

17 Q. What was your ultimate goal, employment wise, in

18 doing that volunteer work? Did you have a plan?

19 A. Yes. I was hoping that would open up a  
Washington

20 office.

21 Q. For Congressman Traficant?

22 A. Correct.

23  
Washington

Q. And how badly did you want to get back to

24  
Congressman

and work as a paid staffer with the office of

25

Trafficant back in Washington?

was -- 1 A. It was a pretty strong goal. At that time, I  
looking 2 I'll say that I was also entertaining the idea of  
television 3 at journalism type opportunity at CNN and NBC  
a 4 actually. But that was -- it was -- it would be like  
on 5 second option. The main thing I wanted to do was work  
6 Elm.  
worked as 7 Q. What happened at the end of the months you  
8 a volunteer in the Youngstown office?  
opened 9 A. This was an office management position that  
10 up, sort of a part-time position.  
11 Q. And that was in which office of Congressman  
office? 12 Traficant, the Youngstown office or the Washington  
13 A. The Washington office.  
on 14 Q. And then did there come a time you actually went  
15 paid staff?  
16 A. Yes.  
17 Q. And when was that?  
18 A. It was either in February or March of 1988.  
different 19 Q. And can you then describe for the jury the  
worked 20 positions you held and the length of time that you  
through 21 with the office of Congressman Traficant? Take us

22       that progression if you would, please.

duties   23       A.     I started off basically with office management

a        24       part-time for a very short time then that turned into

of       25       full-time position.  I held that position for a number

1 months, and then I took on some legislative  
correspondent  
2 responsibilities. Legislative correspondents are more  
or  
3 less in charge of responding to the mail that would  
come  
4 in. I held that position for a number of months.  
Then I  
5 became a legislative assistant and press secretary,  
and I  
6 think that was in 1989, after Paul Marccone left.  
7 And once Paul Marccone left, there was a period  
of  
8 time where we did not have a chief of staff in the  
9 Washington office. And then later on, late 1989, I  
became  
10 more or less like an acting chief of staff. And I  
still  
11 had legislative responsibilities and press secretary  
12 responsibilities. And then sometime in 1990, I had, I  
13 think, formal title change to, you know, full-time  
chief of  
14 staff.  
15 Q. For how long a period of time did you serve as  
the  
16 actual named full-time chief of staff?  
17 A. I think it would have been part of 1990 and then  
all  
18 of '91, '92, and '93 up until my departure on  
September  
19 15th of '93.  
20 Q. Approximately how old were you when you became  
chief

office? 21 of staff for Congressman Traficant's Washington

22 A. I was about 27.

23 Q. And when did you ultimately leave the office?

24 A. When did I ultimately leave?

25 Q. Yes.

1 A. September 15th of 1993.

2 Q. Why did you leave the office?

3 A. I had a job offer to become special assistant to  
the president of Georgia Tech University in Atlanta.

4 And one of the responsibilities was preparing  
public relations activities for The University prior to the  
5 Olympic games of 1996.

6 Q. Did you leave on good terms with the Congressman  
7 Traficant?

8 A. Yes.

9 Q. And how would you describe your relationship  
with Congressman Traficant during the years that you served  
in his office?

10 A. Very good.

11 Q. In light of that relationship, is it difficult  
for you to testify here today?

12 A. Yes.

13 Q. In what way is it difficult?

14 A. Well, the -- the Congressman was responsible for  
my first job out of college and basically responsible for  
quite launching my career and giving me a what I think was  
21 an excellent opportunity to work on Capitol Hill.

in

- 23 Q. Do you have anything personally to gain or lose
- 24 testifying here today?
- 25 A. No.



immunity

1 Q. When you talked in the very beginning of  
2 the, at whose request did you seek immunity for your  
3 testimony?

had

4 A. I worked for a law firm for about a year, and I

and I

5 some -- I mean, a lot of friends who were attorneys,

6 had a couple conversations with one attorney friend in

them

7 particular, and one or two others, and explained to

me

8 the case, to the best of my knowledge, and they wanted

taking

9 to find out if other congressional staffers were

the

10 immunity. And basically, if the answer was yes, then

11 recommendation was that I would, as well, or should as

these.

12 well, simply as a best practice in situations like

first

13 Q. When you were first -- when you had your very

just

14 conversations with anyone from the Prosecution, not

what

15 lawyers, but to include FBI, IRS agents, anyone from

that,

16 we usually refer to as the Government, who initiated

17 was that by your initiation or theirs?

18 A. Theirs.

you

19 Q. Has anybody from the Government ever threatened

20 or attempted to intimidate you or attempted to mold or

21 shape your testimony in any way?

22 A. No.

23 Q. Has anyone ever asked or even suggested to say  
that

24 you say anything that's not true?

25 A. No.

duties 1 Q. I'd like to ask you some questions about your  
office of 2 during the six years or so that you were with the  
Are you 3 Congressman Traficant, and let me start with this:  
4 familiar with something called constituent services?  
5 A. Yes.  
detail, 6 Q. And in a nutshell, without getting into much  
7 just in general, what are constituent services?  
8 A. It is constituent services, typically deal with  
case 9 work that's being done, typically in the district  
office, 10 where people in the congressional district have  
various 11 issues with social security or, you know, some have  
12 Medicaid, you know, Medicare problems, and a lot of  
times, 13 those people feel that the only way they can get any  
action 14 is to contact their member of Congress.  
15 Q. Were there times during your tenure with  
Congressman 16 Traficant that you personally handled constituent  
service 17 matters?  
18 A. I would -- if they were brought to my attention  
in 19 the Washington office, then I may have some  
involvement. 20  
staff Q. Were there times in your tenure as chief of

21           when people, who you were supervising, handled  
constituent

22           service matters?

23           A.     Yes, yes.

24           Q.     And when someone in the congressional office is  
25           making phone calls or writing letters and taking other

that  
you're  
time  
in  
legislative  
various  
for  
I  
office  
Congressman?

1 actions like that on behalf of the constituent, is  
2 considered part of your official duties for which  
3 paid your congressional salary?  
4 A. Sure.  
5 Q. Describe your duties, if you would, during the  
6 that you were chief of staff of the Washington office?  
7 What were you in charge of, and what were your duties?  
8 A. Well, I was in charge of media relations. I was  
9 charge of responding to mail, in charge of the  
10 assistants that had the responsibility for their  
11 areas of assignment. I was responsible for the budget  
12 the D.C. office. I think that pretty well covers it.  
13 mean, there's probably some other things too, but --  
14 Q. In terms of hierarchy of authority, who was the  
15 highest position of authority within the Washington  
16 ultimately?  
17 A. The Congressman.  
18 Q. Okay. And then who came next after the  
19 A. In the Washington office?  
20 Q. Yes.  
21 A. That would be the chief of staff.

held

22 Q. And that would have been you during the time you

23 that job?

24 A. Correct.

of

25 Q. Now, were there ever times when you, as the head

1 the Washington office, the chief of staff of  
Washington  
2 office, ever had to make contact with people in the  
3 District Office?  
4 A. Yes.  
5 Q. And what if any responsibilities did you have as  
the  
6 chief of staff of the Washington office that involved  
the  
7 District Office? Were there times your duties  
overlapped?  
8 A. Very seldom.  
9 Q. You talked earlier about constituent service  
matters.  
10 Were there ever times when a constituent service  
matter  
11 started in the district and got passed off to  
Washington?  
12 A. Yes, yes.  
13 Q. Were there ever times there were budget issues  
that  
14 would cause you to connect with people in the District  
15 Office?  
16 A. Yes.  
17 Q. On the times that you would have to touch base  
with  
18 someone in the District Office, who did you deal with  
in  
19 the District Office?  
20 A. Mostly Charles O'Nesti.  
21 Q. And what was Mr. O'Nesti's position as you  
understood

22 it?

23 A. He was the district director.

four 24 Q. Now, you testified there was a time period of

25 months or so where you did free part-time work in the



1 District Office, correct?

2 A. Um-hum.

3 Q. In addition to that, were there ever times after  
you  
in  
4 went to Washington that you ever went back and worked  
5 the District Office?

6 A. Yes.

7 Q. Explain to the jury how that would come about?

8 A. Well, my parents lived in Youngstown and still  
do.

9 And sometimes when I would come up and visit, I felt  
it was  
10 probably a good idea to maybe spend a Friday or a  
Monday in  
11 the District Office, just to kind of get in tune with  
some  
12 case work that's going on and figure out if there's  
13 anything relevant or pertinent to the Washington  
office.

14 You know, having some face time with the case workers  
and  
15 so forth was pretty important. You could do a lot  
over the  
16 phone, but the Washington office and the District  
Offices  
17 were very separate, you know.

18 Q. Based on the time that you spent working as a  
19 volunteer for four months in the Youngstown office,  
the  
20 times you spent in the Youngstown office when you were  
back  
21 home to visit your parents, any dealings that you had  
to

District 22 have as chief of staff from time to time with the  
to be 23 Office, who in actual practical terms appeared to you  
24 the person running the District Office?  
O'Nesti 25 A. In practical terms, that would be Charles

1        did.

2        Q.     Did he have the -- you said he was district  
director.

3        Was that the highest ranking position in the District  
4        Office on paper?

5        A.     The highest ranking position of the staffer was  
6        administrative assistant, and after administrative  
7        assistant was based in Youngstown.

8        Q.     And who held that position?

9        A.     Henry DiBlasio.

10       Q.     And as administrative assistant, how did that  
11       position that he held as administrative assistant  
relate in  
12       terms of your position as chief of staff of the  
Washington

13       office, at least in theory?

14       A.     He was my superior.

15       Q.     And as a practical matter, in your day-to-day  
16       dealings as chief of staff and your day-to-day  
dealings in

17       the District Office, did you ever see Henry DiBlasio  
18       serving the role as your supervisor?

19       A.     I had -- I had contact with Henry DiBlasio, but  
I

20       never really, you know, interacted that much with him  
as

21       his role as my superior.

22       Q.     How would you characterize it? Was it frequent  
23       contact, rare contact?

24       A.     Rare contact.

25        Q.        Who actually served the true role as your direct

1 supervisor?

2 A. The Congressman.

3 Q. Who actually owned the building at 11 Overhill  
Road,

4 as you understood it?

5 A. Henry DiBlasio.

6 Q. And as chief of staff, were you aware of any  
7 restrictions on congressional employees renting space  
to a

8 Congressman?

9 A. Yes.

10 Q. And what was your understanding of that rule?

11 A. My understanding of the rule was that it was not  
a  
12 typical practice, and B, that it was -- it was viewed  
as a  
13 conflict of interest.

14 Q. Given that understanding, did you ever attempt  
to  
15 discuss with Congressman Traficant the rental of the  
16 congressional office space in the Henry DiBlasio  
building?

17 A. I think on one occasion, maybe two.

18 Q. Okay. Tell us about that. What caused you to  
bring  
19 the topic up with the Congressman in the first place?

20 A. Well, before Paul Marccone left as chief of  
staff, he  
21 had made that -- he had identified that as a concern  
and  
22 something that I needed to be aware of.

way did 23 Q. And in what way was it a concern, and in what  
24 you need to be made aware of it?  
25 A. It was his understanding that there was a  
potential

1 conflict there.

2 Q. Based on that conversation with Mr. Marcone,  
what did

3 you say to the Congressman?

4 A. I remember bringing it up, just in conversation,  
as

5 to what his take was on what the role was, and whether  
it

6 was a gray area or, you know, what -- what the -- what  
his

7 position was on it.

8 Q. Why did you raise it at all?

9 A. Well, I -- if it was -- if it was an issue, I  
wasn't

10 100 percent sure that he was sure of what the -- what  
the

11 role was if there was an issue, Number 1. Number 2,  
you

12 know, I felt that, you know, it was something that  
needed

13 to be brought up.

14 Q. Was that a difficult topic for you to raise?

15 A. A little bit, yes. I was a little -- it's a --  
it

16 was could have potentially been a little bit of a  
touchy

17 area.

18 Q. How old were you at the time?

19 A. 20's.

20 Q. How old was Mr. DiBlasio?

21 A. Late 50's, 60.

22 Q. And aside from his work as the, quote,  
administrative

you

23       assistant with Congressman Traficant's office, were  
24       aware of anything else Mr. DiBlasio did?  
25       A.     He was an attorney; had his own law practice.



1 Q. When you brought the topic up to Congressman  
2 Traficant, what was his response and direction to you  
as to  
3 how you should or shouldn't handle the situation?  
4 A. Basically, you know, I recall his reaction being  
it  
5 was something that had been, you know, structured a  
long  
6 time ago. It was fairly open information, and just  
7 basically that, you know, really a different issue,  
and you  
8 know my focus needs to be -- needed to be Washington.  
9 Q. Now, who was responsible for determining the  
number  
10 of employees who would work for the office of  
Congressman  
11 Traficant at any given time?  
12 A. The Congressman.  
13 Q. And who would determine the level of pay that  
any  
14 particular employee would receive?  
15 A. The Congressman.  
16 Q. Who would determine the duties to be performed  
or not  
17 be performed by any given staff member?  
18 A. For the most part, the Congressman.  
19 Q. Who was the highest paid staff member during the  
20 years that you worked for Congressman Traficant?  
21 A. Henry DiBlasio.  
22 Q. Now, did there ever come a time when you as the  
chief

with 23 of staff of the Washington office raised any concerns

Henry 24 Congressman Traficant about the work and duties of

25 DiBlasio?

1 A. Yes, I believe so.

2 Q. And what was it that caused you to raise that  
topic

3 with the Congressman?

4 A. There were a number of staffers who had  
expressed to

5 me their confusion or concern that Mr. DiBlasio was  
paid so

6 handsomely.

7 Q. Did they mention anything about -- was it just  
the

8 pay, or was it also the duties?

9 A. I think it was the duties as well. They -- a  
number

10 of staffers seem to have concerns or were confused  
about

11 exactly what his role was.

12 Q. Who were some of the staffers that brought this  
to

13 your attention?

14 A. I can remember at the time he was my superior,  
Paul

15 had a concern about it. I believe Chuck O'Nesti had  
on one

16 or two occasions mentioned that he had concerns about  
it.

17 There were probably two or three Washington staffers  
and

18 you know, one or two other District Office staffers as

19 well.

20 Q. Was this a difficult issue for you to raise with  
the

21 Congressman?

22       A.     Yes, because, I mean, he was responsible for  
23       deciding, you know, who was -- what everyone's duties  
were  
24       and what they were paid.  
25       Q.     As somebody who had served some time working in  
the

1 District Office and also had been working as chief of  
2 staff, what was your understanding as to whether or  
not  
3 Henry DiBlasio was actually serving the normal  
function of  
4 an administrative assistant for a congressional  
office?  
5 A. Can you restate the question again?  
6 Q. Yes. As somebody who had spent time in the  
7 Youngstown office and then served as chief of staff in  
the  
8 Washington office, what was your understanding, based  
on  
9 your experience, of whether Henry DiBlasio was truly  
10 serving as the administrative assistant of the office  
as  
11 that term is commonly understood in Congress?  
12 A. Are you asking what the typical role is of  
13 administrative assistant?  
14 Q. Let me ask it simply: What was your  
understanding  
15 whether Henry DiBlasio was actually serving the  
function of  
16 administrative assistant?  
17 A. My understanding of Henry's role was --  
actually, I'd  
18 say my perception of it was actually two-fold. One, I  
19 understood that Henry was the only attorney that we  
had as  
20 a resource on staff. I understood that he had a -- a  
long  
21 relationship with the Congressman. A good  
relationship. I

for our 22 understood that he -- you know, provided a resource  
23 office when it came to some of the local issues that  
24 Congressman would get involved with, meetings and so  
forth,  
25 that Henry was a resource that provided insights into  
those

1 areas.

2 On the other hand, the role of an administrative

3 assistant is typically to be highly visible and for  
the

4 most part interacting with all offices and all staff,  
and

5 that is something that Henry did not do.

6 Q. You indicated that in the first part of that  
that he

7 was a resource, being a lawyer. Was it your  
understanding

8 that that was a resource that was being well used by  
the

9 office?

10 A. Perhaps at times, but overall, I wouldn't know.  
I

11 mean, I wouldn't -- he may have been -- since I was  
not

12 working in the Youngstown office, I wouldn't  
necessarily

13 know firsthand.

14 Q. But what was your perception that caused you to  
go to

15 Congressman Traficant to raise this issue in the first

16 place?

17 A. My perception was, I think I basically shared  
some of

18 the concerns that some of the other staffers had. My  
sense

19 was that he -- that Mr. DiBlasio was, although an  
excellent

20 resource, was not necessarily as active as he should  
be in

21 his role as administrative assistant.

22 Q. Turning aside from the complaints you received

23 regarding Henry DiBlasio, did you ever receive  
complaints

24 from any other staff members about work outside the  
office

25 that they were being asked to do?



1 A. Yes.

2 Q. And let's start with the farm. Did any staff  
3 employee ever approach you and complain about anything  
4 regarding the farm?

5 A. Yes.

6 Q. And who was it that approached you and  
complained?

7 A. The person that comes to mind first would be  
George Buccella.

8 Q. What did Mr. Buccella tell you?

9 A. Just that he felt that he was spending too much  
time out at the farm, and that he felt that he needed to be  
11 spending most of his time in the office.

12 Q. And did he tell you what kind of work he was  
doing out at the farm?

13 A. I think I recall him saying something about --  
14 helping to bale hay or something like that. But --

15 Q. Basically farm chores?

16 A. Yes, farm chores.

17 Q. Now, after Mr. Buccella complained to you about  
18 having to spend too much time doing farm chores, did  
you raise the issue with Congressman Traficant?

19 A. Yes.

20 Q. And what was his response?

21 A. Again, I mean, that was really -- you know, a

office 25 District Office staff issue and not a Washington

1 staff issue, and that I didn't need to be necessarily  
2 concerned about the -- you know, what -- what the  
people as  
3 the district staffers were doing.  
4 Q. Did Congressman Traficant ever talk to you just  
in  
5 general about the farm and his feelings toward the  
farm?  
6 A. Yes.  
7 Q. And what kinds of things would he tell you about  
the  
8 farm?  
9 A. That he had horses there and some stables, and I  
10 think he enjoyed going to the farm. I think it was a  
11 sanctuary for him. I mean, he kept it very busy, very  
high  
12 busy schedule, and when he wasn't in Washington, he  
was  
13 working in the district, and he was working weekends.  
As a  
14 matter of fact, the farm was somewhere he could go and  
15 decompress.  
16 Q. Now, setting aside typical errands, running to  
get  
17 dry cleaning or pick up a lunch, those type of things,  
18 setting those aside, did Congressman Traficant ever  
can ask  
19 you personally to perform any personal labor for him?  
20 A. Yes.  
21 Q. And what kinds of things did he ask you to do?

would 22 A. There was probably a couple occasions where I  
the 23 perform some, you know, a limited amount of work on  
boat, 24 boat, and I was responsible for keeping an eye on the  
Congressman 25 especially when we were out of session and the

1           was not in Washington.

do for     2           Q.     What kinds of things did he have you go out to

of         3           the boat, aside from keeping an eye on it, what kind

           4           chores or jobs?

           5           A.     It was a wood boat, and it required a lot of

would --   6           maintenance, and there's -- once or twice where I

work       7           I think he actually hired one or two people to do some

working    8           on the boat, and I would go down. I was actually

work.      9           on it myself, sort of scraping and painting type of

           10          Q.     Did you want to?

           11                   MR. TRAFICANT: I didn't hear that.

you        12                   THE WITNESS: As a -- as a professional,

friend,    13           know, I would say on one hand probably not. As a

           14           you know, I -- you know, I didn't mind.

doing      15           Q.     Were you doing this as a friend, or were you

been       16           this as the employee of Congressman Traficant who had

           17           asked to go out and scrape paint and sand on a boat?

is         18           A.     You know, it's -- it's I guess whether someone

           19           your boss, ultimately, you know, the primary

motivation 20           would have been because, you know, the boss was asking

you

21           to do something, you should probably do it. But  
there's a  
22           fine line there, I guess.  
23           Q.     Did you ever find it demeaning?  
24           A.     You know, at the time, not necessarily. Looking  
back  
25           on it, probably, yes.

to

1 Q. Now, was there ever a time when you were asked  
2 recruit other people to come out and work on the boat?

3 A. Yes.

did

4 Q. And tell us about that. Who asked you, and how  
5 it come up?

some

6 A. The Congressman asked if I would try to round up  
7 of the guys in the office to --

we

8 Q. When you say some of the guys in the office, are  
9 talking about congressionally paid staff members?

10 A. Yes.

11 Q. Okay. Continue.

bit.

12 A. To head down to the boat and work on it a little

know,

13 It was -- I think it was a nice day. Congressional  
14 staffers work very hard in cycles, and this was the  
15 opportunity to, you know, leave the office and, you  
16 do more or less sort of a team building exercise.

17 Q. Team building exercise?

18 A. Yes.

19 Q. Who called it a team building exercise?

the

20 A. I don't recall. I -- I don't recall if it was  
21 Congressman or it might have been either me.  
22 Q. Why did a team need to be built? What was the  
23 problem?

--

24       A.     Well, the boat was a wood boat, and it needed a

25       required a lot of upkeep.  And I think the Congressman





could go 1 thought, you know, maybe some of the -- some of us  
like 2 down and kind of make a half day of it or something  
3 that.  
4 Q. What kind of work were you doing on the boat?  
5 A. Mostly scraping.  
6 Q. Scraping paint and stuff?  
7 A. Yes.  
down 8 Q. Was this a case he took you on a little cruise  
9 the river or just go out and scrape on a boat?  
10 A. This was to work on a boat cruise.  
like in 11 Q. You said team building. What was the morale  
12 the office at that time?  
bit 13 A. The morale was at that time, I think a little  
like 14 down. Morale would go up and down, very cyclical,  
15 most offices. I think at that time it was probably a  
16 little bit on the low side.  
on the 17 Q. And what was causing the morale to be a little  
18 low side? Was there an issue that people were talking  
19 about?  
know, 20 A. The -- some of the Washington staffers had, you  
other 21 issues about compensations compared to some of the  
22 congressional offices.

and

23       Q.     Case where staffers and Congressman Traficant's  
24       office were comparing notes with Washington staffers  
25       other offices?

1 A. Yes. All of that information is public.

2 Q. And was it also public, the amount of salary  
that

3 Henry DiBlasio and Chuck O'Nesti were being paid?

4 A. Yes.

5 Q. And was that part of the morale issue?

6 A. I think it was probably part of it as well.

7 Q. And so what are you telling us Congressman  
8 Traficant's solution to that morale issue was?

9 A. In reference to the --

10 Q. Team building?

11 A. Team building exercise? I think his -- his  
approach

12 was that if we get everyone outside and on the boat  
and

13 fresh air and working, you know, maybe that would be a  
good

14 thing.

15 Q. And how did it affect morale of workers who  
thought

16 they were being underpaid to be sent out to sand and  
scrape

17 the boat? Did it help morale?

18 A. Probably not.

19 Q. Were there employees who complained about it to  
you?

20 A. Yes.

21 Q. How difficult a position did it put you in when  
and

22 Congressman Traficant asked you to round up the boys  
and

23 bring them out to work on the boat?

24 A. Well, some of the staffers had negative  
reactions.

25 Felt like it kind of put me in a pretty awkward  
position.

1 Q. Because you were their boss, right?

2 A. Correct.

3 Q. What were you telling them to do?

4 A. I was telling them to -- they needed to come  
down to

5 the boat.

6 Q. And why were you telling them that?

7 A. Because the Congressman asked me to.

8 Q. Approximate time frame, not an exact year, but  
ball

9 park, when are we talking about? When would this have

10 been?

11 A. It may have been 1991.

12 Q. Do you know a man by the name of -- shift gears  
a

13 little bit here -- I want to ask you some questions  
about a

14 man named Pete Bucheit, you know a man named Pete  
Bucheit?

15 A. Yes.

16 Q. And how do you know Pete Bucheit? How did you  
come

17 to know that man or that name?

18 A. He came to the office.

19 Q. And on how many occasions do -- not the number  
of it

20 -- how frequently do you recall him coming to the  
office?

21 A. I think he came to the office a few times.

22 Q. Do you ever recall him coming to the office with

23        anyone else from Youngstown?

24        A.        Yes.

25        Q.        And who did he come up with?

1 A. I remember he came with me or James a couple of  
2 times.

3 Q. Who was Leo Jennings as you understood it?

4 A. Lynn Jennings was a staffer and Leo Jennings was  
her  
5 father.

6 Q. So you're telling us a couple times Pete Bucheit  
came  
7 to the office with a couple staffers' fathers, right?

8 A. Correct.

9 Q. And what was the office doing for positive with  
Pete  
10 Bucheit?

11 A. He had a case against the Saudi Arabia  
Government.

12 Q. He said a case. Was there a dispute or  
something?

13 A. Yes. He had a dispute with the one of the  
principles  
14 of Saudi Arabia.

15 Q. Did the office of Congressman Traficant become  
16 involved with that dispute?

17 A. Yes.

18 Q. Do you recall the name of the staff member at  
the  
19 office of Congressman Traficant who was assigned to  
assist  
20 Pete Bucheit in that dispute?

21 A. Yes.

22 Q. And what was her name?

23 A. Lucia Iannandrea.



last

24 Q. I'm going to ask you to spell both first and  
25 names if you can do the Court Reporter a big favor.

1           Thanks.

2           A.     Okay.

3                     First name. L-U-C-I-A, last name, I haven't  
tried to

4           spell this name in ten years, I-A-N-A-N-D-R-E-A or-E-  
A, one

5           "A" at the end.

6           Q.     Thank you.

7           A.     It may not be precise spelling.

8           Q.     In a nutshell, without getting into too much  
detail,

9           can you summarize for us the nature of the dispute and  
what

10          your office was being asked to do to help?

11          A.     My understanding was that Pete Bucheit found a  
12          construction firm, and in the late 70's, he was  
13          constructing a mall, and either in Riyadh or Jeddah of

14          Saudi Arabia, I think it was a strip mall, and he like  
many

15          Americans in the late 70's, many American firms had  
gone

16          over there and were doing commercial development and  
did a

17          lot of development expecting to be paid and was not  
paid.

18          Q.     What did he want your office to do for him?

19          A.     Well, apparently, Mr. Bucheit had reached out  
for

20          help I think from the State Department and was  
dissatisfied

21          with the help he was getting there, so he came to our

we 22 office. Since we were his representative -- you know,  
for 23 were representing him in Congress. And he came to us  
24 help.  
hands-on 25 Q. Who from your office actually worked in the

1 way on this matter, personally?

2 A. Staffer?

3 Q. Just in general, anybody in the office? You  
4 mentioned --

5 A. Lucia Iannandrea.

6 Q. Okay. Who else?

7 A. The Congressman.

8 Q. Congressman Traficant personally?

9 A. Yes.

10 Q. And how about yourself?

11 A. In a limited way, I mean, oversight way with  
Lucia.

12 Q. She was under your supervision at the time?

13 A. Yes.

14 Q. Were you the press secretary at that time?

15 A. Yes.

16 Q. And did you handle press matters on the Bucheit  
17 matter case?

18 A. Yes.

19 Q. I'd like to turn your attention to what I've  
mark as

20 Government's Exhibit 7-2. You see a copy of that in  
front

21 of you? It'll be up on the stand there. And if you  
need

22 to get some water, you can take a minute to get some  
water.

23 You see the document marked Government's Exhibit  
7-2?

24 A. Addressed to James A. Baker?

25      Q.      Yes.

1 A. Yes.

2 Q. Do you recognize the letterhead, stationery on  
that?

3 A. Yes.

4 Q. And whose office did that come from?

5 A. The District Office.

6 Q. And you reviewed this letter prior to right now,  
7 correct?

8 A. Correct.

9 Q. And do you recognize this is a letter from your  
10 office?

11 A. Yes.

12 MR. MORFORD: Your Honor, at this time,  
I'd

13 like to put it up on the overhead if there's no  
objection.

14 THE COURT: Fine.

15 BY MR. MORFORD:

16 Q. You can go ahead and tell me who is the letter  
17 addressed to.

18 A. James A. Baker, the Third.

19 Q. And who was he?

20 A. He was the Secretary of State at the time.

21 Q. And if you can go ahead and read the body of the  
22 letter, if you will.

23 A. Well, it's made out to Secretary Baker.  
Subject is

24 "Bucheit International versus Saudi Arabia."



1 ongoing problem with HRH Company of Saudi Arabia."

2 Q. If I can interrupt you just a moment because

it's a 3 problem for the court reporter, if you can read a

4 bit slower.

5 A. Sure.

6 Q. She's good, but she's not that good.

7 A. Sorry.

8 Q. Go ahead, continue.

9 A. "Our construction workers were held in Saudi

Arabia 10 for three months. HRH owes Bucheit millions of

dollars, 11 and now Bucheit received a notice of delinquent income

owed 12 to the Saudi Government on money Bucheit never

received. 13 "Why do we need a State Department, commerce

14 department, or an embassy if our citizens can't help?

15 Shame on you. Mr. Bucheit cannot even attend a

hearing 16 because he is scared. Respectfully, James A.

Trafficant, 17 Junior."

18 Q. Okay. Next I'd like you to take a look at

19 Government's Exhibit 7-6. You see that in front of

you? 20 A. Yes, addressed to the Vindicator.

21 Q. Yes. Let me back up just a second. This

Exhibit



the 22 7-2, which is the letter from Congressman Traficant to  
Pete 23 Secretary of State of the United States, on behalf of  
office 24 Bucheit, would this have been an official act of the  
25 of Congressman Traficant, official in the sense of

of 1 something that would have been done during the course  
2 congressional services that you provide?  
probably 3 A. If you mean writing letters to the editor,  
4 not.  
Secretary 5 Q. I'm sorry. Talking about 7-2, that is to  
6 of State Baker?  
7 A. Oh, I'm sorry.  
8 Yes.  
you. 9 Q. Now, we'll go back. I apologize for confusing  
10 7-6, the letter, do you recall receiving a copy of  
that 11 back in 1990 at the time the office was working on the  
12 Bucheit matter?  
13 A. Yes, I remember seeing this.  
14 Q. And was that in your capacity as press  
secretary? 15 A. Yes.  
16 MR. MORFORD: Your Honor, I would ask if  
I 17 can put this on the overhead.  
18 THE COURT: Certainly.  
19 Q. What's the date of this letter?  
20 A. March 19, 1990.  
21 Q. I'm sorry. This is Government's Exhibit 7-6.  
22 A. Oh, I'm sorry. This Exhibit is dated May 7,  
1990. 23 Q. Who was this a letter to?

- 24       A.     This is a letter to the Vindicator.
- 25       Q.     What is the Vindicator?

area. 1 A. It's the newspaper in the Youngstown-Warren

2 Q. Who was the letter from?

3 A. Looks to be from Mr. Bucheit.

a 4 Q. Okay. It says Bernard J. Bucheit. Does he have

5 nickname, Bernard J. Bucheit, that you know of?

recall 6 A. I recall he did have a nickname, but I can't

7 what it was. Maybe it was Pete Bucheit.

8 Q. Okay. That's your recollection of his nickname?

9 A. I think so.

10 Q. Okay.

11 Could you go ahead and read the contents of the

12 letter, please?

article 13 A. "Gentlemen: After reading your editorial and

14 by Alan Schlein about Congressman Traficant, I felt

project 15 compelled to write. Bucheit International built a

Royal 16 for the number three brother in the Saudi Arabian

17 Family. He has yet to pay the bill and has refused to

18 release our equipment. Because Saudi Arabia is such a

19 close friend of ours, the U.S. Government was very

20 reluctant to assist us. After one meeting with

Congressman 21 Traficant where we outlined the facts, he launched a

full 22 scale attack using all the government resources. He

23 pointed out that there are laws and books to help out  
24 American firms doing business overseas and it would  
not be  
25 necessary to hire Casper Weinberger as some of the  
large

1 American firms have done.

2 "Congressman Traficant has pushed all the right

3 buttons, and I am confident that we will prevail.

Call it

4 Gunboat Diplomacy or his bombastic style, but he is

doing a

5 heck of a job for Bucheit and their employees. Thanks

6 Congressman. Regards, Bucheit International."

7 Q. I'd like you to turn your attention to 7-29.

You see

8 a copy of that in front of you?

9 A. Is this the press release?

10 Q. Yes. Do you recognize the form, the headings

and

11 things on this?

12 A. Yes.

13 Q. That's a form your office regularly used?

14 A. Yes.

15 Q. And underneath it says press contract and then a

16 date. Who was listed as the press contact?

17 A. I was listed as the press contact.

18 Q. And what was the date of this press release?

19 A. December 30, 1992.

20 Q. And are you familiar with this press release?

21 A. Yes, I believe so.

22 Q. Okay.

23 MR. MORFORD: Again, your Honor, can I

24 display this on the overhead?



the 1 Q. Okay. If you could go ahead and read through  
2 content and body of this press release?  
3 A. "Traficant announces settlement in case between  
4 Bucheit International Corporation and Saudi Arabian  
Prince.  
5 U.S. Representative James A. Traficant, Junior,  
announced  
6 today that the longstanding legal dispute between  
Bucheit  
7 International Corporation and Prince Mishaal bin Abdul  
of  
8 Saudi Arabia has come to a successful conclusion.  
9 "Traficant, Democrat from Ohio, was asked to  
mediate  
10 the case by the Bucheit Corporation. Traficant  
negotiated  
11 the case last week with officials of the Saudi  
Embassy.  
12 Detailed terms of the settlement are prohibited from  
being  
13 released, pursuant to the agreement reached.  
14 "According to Traficant, a tentative agreement  
was  
15 reached last week between himself and Saudi Counselor,  
16 Saleh M. Al-Rajhy. Today, 12-30-92, both parties  
through  
17 their attorneys have confirmed a signed agreement  
finally  
18 resolving the matter.  
19 "Traficant concluded I'm glad that it is over  
and I  
20 would like to thank both the Saudi Arabian Government  
and



with 21 the Bucheit Corporation for their intense cooperation  
22 me which has led to this satisfactory agreement. I  
for 23 especially would like to commend Bucheit Corporation  
Prince 24 standing up for their rights as well as commending  
working 25 Bandar and his assistant. Saleh M. Al-Rajhy, for

End 1 with me through this difficult negotiation process."  
2 quote.  
3 Q. How active a matter was this for your office  
from the 4 time between the March 19, 1990, letter that  
Congressman 5 Traficant wrote to James Baker until December 30,  
1992, 6 when you announced the settlement?  
7 A. It was fairly active. Again, probably somewhat  
8 cyclical, but overall, I --  
9 Q. How large a matter was this constituent service  
10 matter compared with others in the office?  
11 A. I would say it was fairly large.  
12 Q. Now, did there ever come a time you had occasion  
to 13 meet Pete Bucheit's son?  
14 A. Yes. I believe I met him once or maybe twice.  
15 Q. Do you recall where you met him?  
16 A. I think I met him in the office.  
17 Q. Okay. And under what circumstances did you meet  
him? 18 What was the purpose of his coming to the office?  
19 A. I think he came with his -- with his father.  
20 Q. Do you recall any discussion about the  
Congressman's 21 boat when you met Pete Bucheit's son?  
22 A. Well, yes. I believe I recall.  
23 Q. And what do you recall as to any discussion with  
Pete

24       Bucheit's son regarding the boat?

in       25       A.       I recall that Pete Bucheit's son was interested

in and 1 looking at the boat to see what kind of shape it was  
2 perhaps, you know, considered purchasing it.  
3 Q. Now, did he appear to be eager to do this, or  
did it 4 appear he was being asked to do this?  
5 A. I don't -- I don't know. I'm not really sure on  
6 that.  
7 Q. Do you have a real clear recollection of this?  
8 A. Not real clear, no.  
9 Q. Are you familiar with a man by the name of J. J.  
10 Cafaro?  
11 A. Yes.  
12 Q. And who is J.J. Cafaro?  
13 A. He was a successful businessman in the Warren  
area.  
14 Q. And how would you describe the relationship  
between 15 Congressman Traficant and J.J. Cafaro during the years  
you 16 worked for Congressman Traficant?  
17 A. Their interaction seemed to be friendly.  
18 Q. Did Congressman Traficant ever tell you his view  
of 19 J.J. Cafaro, how he viewed J.J. Cafaro?  
20 A. Yes, he -- I think he viewed J.J. as like the  
rest of 21 the people, very successful businessman, and I -- I  
think 22 the Congressman wondered about Mr. Cafaro's political

23       ambitions, but overall, I think he was -- you know, he

24       respected Mr. Cafaro.

25       Q.     And that is based on things he told you about

1 Mr. Cafaro, is that what you're basing that on?

2 A. Yes.

3 Q. I'd like to show you two pictures and just ask  
you if

4 you recognize the vehicle in these pictures.

5 A. Yes.

6 Q. And what kind of car is that?

7 A. It's an Avanti.

8 Q. And have you ever seen in a black Avanti before?

9 A. I don't know that I've seen that particular  
Avanti,

10 but I've seen a black Avanti like that, yes.

11 Q. And this is for the purpose of the record, your  
12 Honor, I apologize, this is Government's Exhibit 6-30.

13 And can you tell us what context you saw a black

14 Avanti that appeared to look like that?

15 A. The Congressman had driven one down to the  
office a

16 few times.

17 Q. And do you know where the Congressman got the  
black

18 Avanti he drove to Washington a few times?

19 A. I know that Avanti 's were built in Youngstown  
at the

20 time, and I know that Mr. Cafaro was a -- I believe he  
was

21 a partner or owner in the firm.

22 Q. Congressman Traficant ever tell you how he came  
to

23 have a car like this, this black Avanti to drive, how  
he

24       attained it or where he attained it?

Avanti   25       A.     He -- I believe he mentioned to me that the

1 dealer or perhaps Mr. Cafaro let him road test the  
car.

2 Q. I'd like to show you two final exhibits.

3 MR. MORFORD: Your Honor, may I approach  
the  
4 witness?

5 THE COURT: Yes.

6 THE COURT: What are the numbers?

7 MR. MORFORD: These would be  
Government's

8 Exhibit 2-11 and Government's Exhibit 2-65, and I  
couldn't

9 remember if I gave him copies. He has copies there.

10 THE COURT: Thank you.

11 BY MR. MORFORD:

12 Q. Turning your attention to Government's Exhibit  
2-11,

13 I'd like you to concentrate on the handwriting and  
14 handprinting on this document and ask you, do you  
recognize

15 that handwriting and printing?

16 A. Yes.

17 Q. And can you tell us whose handwriting and  
printing

18 you recognize on the document?

19 A. It looks like the Congressman's handwriting.

20 MR. MORFORD: Your Honor, can I put this  
on  
21 the overhead?

22 THE COURT: Yes.

23 Q. Now, on the left side of the page, Exhibit 2-11  
is a



start      24      series of numbers. Words written in circles, let's

25      with that. Whose writing does that appear to be?

1 A. That appears to be the Congressman's.

2 Q. During the time that you worked for the  
Congressman,  
3 did you get used to his writing, did you see his  
writing?  
4 A. Sure.

5 Q. And was he a list maker? You see the list  
there?  
6 Was that a common practice?  
7 A. Yes, I think he -- yeah, he -- I think to a  
certain  
8 extent we're all list makers, but, yes.

9 Q. In your experience, would you at times get notes  
and  
10 things from him with to-do lists?  
11 A. Yes.

12 Q. Okay.

13 And then finally, turning to Exhibit 2-65, and  
on the  
14 front of 2-65, there's some handwriting. Do you see  
that?  
15 A. Yes.

16 Q. Do you recognize the handwriting on Exhibit 2-  
65?  
17 A. Yes.

18 Q. And whose writing do you recognize?  
19 A. It appears to be the Congressman's handwriting.

20 MR. MORFORD: And can I put this up as  
well,  
21 your Honor?  
22 THE COURT: Yes.

23 MR. MORFORD: Thank you.

24 BY MR. MORFORD:

25 Q. Now, there's some drawings on here. Do you see  
that?

1 Do you see some drawings on here?

2 A. Yes.

3 Q. Were there times that you saw Congressman  
Traficant

4 draw pictures like this?

5 A. Once in a while.

6 Q. Were there ever times he talked about things he  
7 wanted to build out at the farm?

8 A. I think -- yeah, on occasion.

9 MR. TRAFICANT: What was the date on  
that up

10 there, sir, at the top? Could you put that back up  
again?

11 There was some writing on the top of it that I'd like  
to

12 know when, if there was a note, when it was.

13 MR. MORFORD: It's actually not a date.  
It's

14 a measurement.

15 MR. TRAFICANT: Oh, measurement? Thank  
you.

16 BY MR. MORFORD:

17 Q. During the time you worked for Congressman  
Traficant,

18 were you loyal to the Congressman?

19 A. Yes.

20 Q. Were you fond of the Congressman?

21 A. Yes.

22 Q. What was it that caused you to overlook things  
like

23 the concern that you testified you had about Henry

the 24 DiBlasio's pay, the ownership of the building, George  
25 Buccella's complaints to you, the staff work out on

1 boat?

2 A. Well, I think a couple of things: You know,  
working  
3 on Capitol Hill is different from working anywhere  
else.

4 It's -- you know, it's an honor to be there, and it's  
made  
5 up of staffers who typically hold the members of  
Congress  
6 in pretty high esteem.

7 And, you know, I think, you know, to me, the  
8 Congressman was a, you know, a strong authority  
figure, and  
9 mentor, and, you know, there's an incentive not to get  
into  
10 uncomfortable conversations.

11 MR. MORFORD: Just one moment, your  
Honor.

12 No further questions.

13 THE COURT: Thank you.

14 THE COURT: Do you want a break? You  
get an  
15 afternoon break. This would be a time to give you a  
break.

16 Would that be good, jurors? How are you doing?

17 THE JURY: We're ready.

18 THE COURT: We're going to recess. This  
will  
19 be the afternoon break. It's 20 minutes long, and  
then  
20 we'll come back together and continue. Thank you very  
21 much.

22                   (Thereupon, a recess was taken.)

23                   THE COURT:  You're still under oath.

24                   THE WITNESS:  Yes.

25

1 CROSS-EXAMINATION OF HAYDEN WEST RICHARDS

2 BY MR. TRAFICANT:

3 Q. How are you doing, West?

4 A. I've been better.

5 Q. Really intimidating being up there in that  
chair,  
6 isn't it?

7 A. Yes.

8 Q. Can you hear me while I try to get some water  
for  
9 myself?

10 A. Yes.

11 Q. Now, you went to Carnegie Mellon; is that right?

12 A. Yes.

13 Q. And graduated from Carnegie Mellon?

14 A. Yes.

15 Q. Is that now one of the most respected schools,  
would  
16 you say, in America?

17 A. Yes.

18 Q. Now, you know when I graduated from Pitt that it  
was  
19 Carnegie Tech, did you know that?

20 A. Yes.

21 Q. Now, when you were at Carnegie Mellon, did you  
happen  
22 no know the president of Carnegie Mellon?

23 A. I knew the president of Carnegie Mellon, but I  
was  
24 friends with the provost.



Q. And what was the name of the provost?

1 A. Pat Crecine.

2 Q. And when you eventually?

3 THE COURT: Would you spell it, spell

last 4 name?

5 THE WITNESS: Yes. It's C-R-E-C-I-N-E.

6 Q. And when you eventually left my employ, you went

to 7 work at Georgia Tech, did you not?

8 A. Yes.

9 Q. And who employed you at Georgia Tech?

10 A. The president.

11 Q. And who was the president?

12 A. Pat Crecine.

13 Q. Was he sort of like a friend when he come and

visited 14 D.C.?

15 A. Yes.

16 Q. Would you say it's a fair assessment I didn't

want to 17 see you go?

18 A. Yes.

19 Q. In fact, wasn't it a tough position you were in

at 20 that time and the decision you had to make career

wise? 21 A. Yes.

22 Q. Now, you have immunity in this case; is that

right? 23 A. Yes.

and 24 Q. And you stated that you talked with attorneys,  
you 25 they stated that if other staffers had immunity, that

statement? 1 should take the same protection, is that your

2 A. Yes.

you're 3 Q. Did you do anything wrong with me, as far as  
4 concerned?

5 A. No.

do 6 Q. When you were in my employ, did you ever see me  
7 anything wrong?

8 A. No.

9 Q. All right.

items 10 Let's get down to some business. One of the  
11 that was put on the board dealt with a letter that a  
12 Congressman sent to the Secretary of State of the  
United 13 States of America; is that correct?

14 A. Correct.

sort 15 Q. And you were asked by the Government if that was  
16 of unusual to see such a tough letter sent by a member  
17 Congress. Do you recall your answer? Well, let me  
18 rephrase that.

of 19 Didn't you say it was a normal constituent type  
was 20 thing for a Congressman to write a Secretary of State,  
21 that usual or unusual?

22 A. It would be usual.

23 Q. Yeah. But I did write that letter, didn't I?

Bobby.

24

A. I believe the letter was written by Jackie

25

Q. To?

1 A. The Secretary of State.

2 Q. To the Secretary of State. At my direction; is  
that

3 right?

4 A. Right.

5 Q. Now, isn't it a fact that I advised the Bucheit  
6 Corporation to file a civil RICO against the Saudi  
Prince?

7 MR. MORFORD: Objection, your Honor, can  
we

8 have a side bar?

9 (The following proceedings were held at side  
bar:)

10 MR. MORFORD: Your Honor, I think the  
record

11 will show that we've tried to be very lenient and give

12 Congressman a lot of leeway and not object to a lot of

13 things that are objectionable, and he's done this a  
number

14 of times, but I want to object now and have an  
instruction

15 and continuing objection.

16 Congressman Traficant cannot ask witnesses about  
what

17 he said to prove the truth of the matter asserted  
unless it

18 falls within a hearsay exception. We can put in

19 Congressman Traficant's statements through other  
witnesses

20 because he's a party opponent. But he continues to  
ask

And 21 witnesses didn't I say this, and didn't I say that.  
22 that's just inadmissible hearsay unless he can lay a  
legally 23 foundation and show that it either falls within a  
a 24 accepted exception to the hearsay rule or that there's  
25 relevant purpose apart from the truth of the matter

1           asserted, such as a state of mind or something that's  
been       2           put into evidence.

3                     If I can just finish my last line is, if  
Congressman       4           Traficant wants to testify, he can, but he has to be  
5           subject to cross-examination, and he can't testify  
through       6           other witnesses about what he said or didn't say.

7                     MR. TRAFICANT: Can I respond now?

8                     THE COURT: Yes.

9                     MR. TRAFICANT: I think the question on  
10          hearsay about this trial should be more directed in  
another       11          direction, but I will say this: Maybe my phrasing of  
12          question was wrong, but my intention was not to  
the           13          My question was to establish that I did aggressively  
14          certain things.  
testify.      15                     THE COURT: What he's --

16                     MR. TRAFICANT: And that he as chief of  
staff       17          would have knowledge of the types of things that I did  
18          since you used it as your own exhibit and opened it  
up. So       19          perhaps my question may be considered --

20                     THE COURT: I can't even remember the  
way you      21          put the question right now.



bother 22 MR. TRAFICANT: It evidently didn't  
23 you now.  
all 24 THE COURT: Now that I have listened to  
25 this, she'll go back and tell me what it was.

950

Court 1 (Thereupon, the record was read back by the  
2 Reporter.)

now 3 THE COURT: Okay. See, this is what --  
4 you can hear what he is saying because if you were on  
the 5 stand, you could testify to that, but you're not.

6 MR. TRAFICANT: Okay. I have to  
question it 7 differently is what you're saying?

8 THE COURT: Okay. Yeah, there may be a  
9 question under there, but I'm not sure --

10 MR. TRAFICANT: Okay.

your 11 THE COURT: I'm not sure until I hear  
12 next question, whether it's going to get past this.

13 MR. TRAFICANT: Well, he was my chief of  
14 staff and --

15 THE COURT: So you're --

16 MR. TRAFICANT: They brought up an  
exhibit, 17 they made an exhibit for whatever their reasons are.

Now

18 that opens up that exhibit for defense reasons.

19 THE COURT: Right, that's true.

20 MR. TRAFICANT: And I shouldn't be  
limited to

21 the reasons that the Prosecution brought the exhibit  
up.

22 THE COURT: But, you can question him  
about

23           what he knows. Just always remember it's his  
knowledge

24           you're working for, the guy on the stand.

25                           MR. MORFORD: And --



1                   THE COURT: And there may be something  
about           2           this exhibit that will allow you to get to it through  
this           3           witness.  
4                   MR. TRAFICANT: My only objection is --  
5                   MR. MORFORD: You're asking witnesses to  
6           repeat things you said out of court because that's  
hearsay.       7           THE COURT: Well, yeah, but I think he  
8           understands hearsay.  
9                   MR. TRAFICANT: We talked about it a  
couple       10          times. I think hearsay has been pretty much a  
violation of   11          the Government. I'd like to put that on the record.  
12                   (Proceedings resumed within the hearing of the  
jury:)  
13          Q.       West, when you worked with me, was I known on  
the           14          Hill as an aggressive Congressman?  
15          A.       Aggressive in what respect?  
16          Q.       That I would go after and help my constituents  
and no       17          holds barred?  
18          A.       Absolutely.  
19          Q.       Did I hire Lynn Jennings?  
20          A.       Yes.  
21          Q.       All right. Do you have any knowledge as to who,  
if           22          anyone, recommended her for a job at the Justice

23 Department?

24 A. I believe you did.

25 Q. You have any knowledge that I -- that the office

of

House 1 the Congressman was called personally by the White  
2 relative to Lynn Jennings?  
3 A. Yes, I believe I recall that.  
am 4 Q. Now, you've heard some things about this case I  
5 sure; is that correct?  
6 A. Yes.  
brought up 7 Q. Have you heard Leo Jennings, Senior's name  
8 in any other way in this case?  
9 A. Recent questioning.  
being 10 Q. Have you heard of Leo Jennings, Senior's name  
11 brought up in any other way in this case?  
12 A. No.  
Youngstown? 13 Q. Good. So you started out as an intern in  
14 A. Yes.  
15 Q. And who recommended --  
out as 16 A. Well, I started the -- correction. I started  
17 an intern in Washington, D.C.  
18 Q. Okay.  
19 A. First.  
from 20 Q. The genesis of that recommendation, did it come  
21 someone in Washington or someone in Youngstown?  
22 A. The genesis of the recommendation from me to --  
23 Q. To be an intern?

one

24       A.     Well, I guess I sort of counted two internships,  
25       in Washington and one in Youngstown.



you 1 Q. But whether you were first -- and I first named  
2 as an intern and allowed you to become an intern?  
3 A. Yes.  
4 Q. On whose are recommendation did I accept your  
given 5 competency and the factors relative to you that were  
6 to me, do you know?  
7 A. I believe I interviewed with the administrative  
8 assistant at the time.  
9 Q. Who was that?  
10 A. I can't remember her name.  
11 Q. Okay. Did your father go to see anybody  
relative to 12 getting you an opportunity to work with me?  
13 A. I believe my father's boss at the time had a  
relation 14 with Mr. DiBlasio, and my father may have, but I don't  
15 know.  
16 Q. All right. That was your testimony. So you  
were an 17 intern for approximately three months in Washington?  
18 A. I -- yeah, yeah, I think that's about right.  
19 Q. And then an opening occurred?  
20 A. When I was an intern in Washington for a number  
of 21 months, and when that internship ended, I went back to  
22 school.  
23 Q. School. Okay?

24       A.       And then in the fall of 1987, I interned in  
25       Youngstown, a couple days a week, and then in  
February,

1       there would be a part-time opportunity that opened up.

any       2       Q.     While you were in Youngstown, did you maintain

make       3       phone contacts with anybody in Washington? Did you

4       friends with anyone on my staff?

was       5       A.     I had known actually Paul Marcone in 1985 when I

him       6       an intern first time in D.C., and I had contact with

7       later on as well.

that       8       Q.     Did you come to learn that this was an opening

in       9       where the Congressman was going to fill the position

10       D.C.?

11       A.     Right, yes.

12       Q.     Did you make contact with Mr. Marcone?

he       13       A.     I don't know whether I made contact with him or

14       made contact with me.

15       Q.     How long did it take for me to hire you, West?

16       A.     It was very, very quick.

17       Q.     Now, you said you handled mail?

started   18       A.     Yeah. Initially, I was office manager, then

19       to handle mail.

mail       20       Q.     And then you would -- what would you do with the

21       when you got it, for example?

would     22       A.     Early on as a legislative correspondent, you

23        have to actually write the responses to sort of mass  
24        mailings and responses to -- to people writing about  
issues  
25        and situations.

or  
1 Q. But on critical issues, say like Social Security  
2 Medicare where we might be inundated with a thousand  
3 letters a week --  
4 A. Right.  
have  
5 Q. -- who would be the ultimate person that would  
6 promulgated and formulated the information for that  
7 response?  
8 A. That would be the -- usually the legislative  
9 assistant, assigned to that particular area of issue  
area,  
10 and then the letter would be approved by the chief of  
11 staff.  
12 Q. And then whom would the chief of staff check  
with to  
13 make sure that it is, in fact, the response which was  
the  
14 political and/or private and/or professional opinion  
of the  
15 representative; who would he check with?  
16 A. Congressman.  
17 Q. So in other words, if there's a letter on Social  
18 Security and there was a letter that come to the  
19 Congressman and the Congressman says, well, look, I'm  
not  
20 so sure about that issue, then it would be changed,  
21 wouldn't it?  
22 A. Right.  
23 Q. But in most cases, once a form letter was sent -  
-

24       A.     Um-hum.

25       Q.     -- did the Congressman see him anymore?

1 A. No.

2 Q. Did the Congressman sign those letters?

3 A. No.

4 Q. I mean, even though most Americans believed as  
signature 5 members do, isn't it a fact that many times the  
name 6 of a representative is that of his staff, signing his  
7 or her name?

8 A. Yes. And in large cases, I mean a lot of those  
9 signatures were actually automated.

10 Q. Okay. Then you started to work on legislative  
11 business?

12 A. Um-hum.

13 Q. What sort of legislative issues were you given?

14 A. The ones I recall had mostly to do with the  
public 15 works committee and subcommittees that you were  
assigned 16 to, underneath those.

17 Q. At that time, can you recall if I was a chairman  
of a 18 subcommittee?

19 A. Early on, no, but towards the -- I think the  
last 20 year and a half or two years, I can't recall, during  
my 21 tenure, you were chairman of the public works.

22 Q. And economic development?

23 A. And economic development.

well, 24 Q. And you assisted with matters in that regard as  
25 did you not?



and 1 A. Yes, and I remember we hired Paul Marccone back,  
2 then he kind of took more charge of that.  
3 Q. And when you were there on staff and Paul  
Marccone was 4 hired back; is that correct?  
5 A. Yeah, yeah, we were -- we actually at the end  
were 6 together again.  
7 Q. Now, you were the chief, and you had authority  
over 8 all of the people in my D.C. office; is that correct?  
9 A. Correct.  
10 Q. And when Paul Marccone came back, who was the  
chief? 11 A. I was -- I was still the chief. He was put in  
charge 12 of the -- of the committee.  
13 Q. And he became the committee person that allowed  
14 for -- well, did a committee chairman have the  
opportunity 15 to hire an additional staffer to the best of your  
16 knowledge?  
17 A. Yes, yes.  
18 Q. And who was that person that I hired?  
19 A. Paul Marccone.  
20 Q. And was he paid more than you?  
21 A. I don't recall. He may have been.  
22 Q. And after you -- after you left, do you know who  
23 became the chief of staff?

24       A.     Yeah.  Paul Marccone became chief of staff.

25       Q.     And did you have great respect for Paul?

1 A. Absolutely.

2 Q. Did you have great respect for me?

3 A. Yes.

4 Q. You didn't say absolutely.

5 (Laughter.)

6 A. I did not. No, I'm sorry. Okay. Absolutely.

7 (Laughter.)

8 Q. That wasn't intimidation, was it?

9 A. No.

10 Q. Did you at times get calls from the Youngstown  
staff  
things  
11 where they would whine and complain about many, many  
12 to you?  
13 A. A fair amount, yes.  
14 Q. Did you ever get any calls or complaints about  
an  
your  
15 employee by the name of Linda Kovachik, to the best of  
16 knowledge?  
17 A. I don't recall.  
18 Q. Okay. You also handled the press. Was that --  
19 A. Yes.  
20 Q. -- a fact?  
21 A. Yes.  
22 Q. Was that a part of your Carnegie Mellon  
training?  
23 A. Well, yes, I mean I was -- I trained in writing  
so I  
24 was a fairly good writer.

25        Q.        Now, at some point, Paul, when he had originally

you 1 left, you were a very young man at that point, were  
2 not?  
3 A. Yes.  
be the 4 Q. But the record reflects that I selected you to  
5 chief, is that a fact?  
6 A. Yes.  
who 7 Q. Did that upset any of the other staff members  
8 were there longer than you?  
9 A. Yeah, it may have.  
predicated 10 Q. Was it your opinion that I made decisions  
11 on what was best for our office at all times?  
12 A. Yes.  
13 Q. And how old were you when you became chief?  
14 A. 27.  
15 Q. Were you one of the youngest chief of staffs on  
16 Capitol Hill?  
17 A. Yes.  
you or 18 Q. Was there ever one complaint directed towards  
19 the job you did as my chief of staff?  
20 A. Probably at least one or two, I mean --  
21 Q. Do you remember what they were?  
22 A. I -- sometimes people in District Office felt we  
issue 23 were, you know, maybe I wasn't reactive enough to an

24           or something like that, you know. They would let me  
know.

25           Q.     What was your position with the District?

of 1 A. I think my position was -- because I knew some  
of a 2 them and had interacted with some of them, I was a bit  
-- 3 liaison. They felt like I was someone that they could  
the 4 because they seen my face in the area, and I was from  
with me. 5 area; that they could feel comfortable interacting  
6 So --  
upset 7 Q. And some of them also, were they -- were they  
were? 8 you were so young and making more money than they  
9 A. That could be.  
10 Q. Now, there were times when members drove down,  
11 members of my staff drove down with me to D.C.?  
12 A. Yes.  
by 13 Q. Now, if it wasn't a critical time of the year,  
year 14 that, I mean not to confuse anybody, the time of the  
15 when there was a big budget debate or a tax debate or  
16 spending bill, the House was normally in session when  
there 17 was not major business for how many voting days,  
usually? 18 A. For the -- for the year?  
19 Q. Yeah. Usually when there is, it's in the a busy  
20 week. In most cases, there wasn't appropriation times  
late 21 in the year. How many days was the House usually in

22 session for votes?

23 A. Oh, three, sometimes two.

24 Q. And what were those dates?

25 A. Tuesday, Wednesday, and Thursday.



1 Q. And sometimes when it was late in the year, you  
might 2 stay over, or maybe you could explain?  
3 A. As we progressed towards summer recess, we would  
-- 4 we would be in the office -- more and more as you got  
5 closer to summer recess, and they would take like  
August 6 off. And you would come back, and if it was an  
election 7 year, the closer you got to election time, November,  
you 8 found yourself working longer and harder and more as  
you 9 progressed through the recess for the end of the year.  
A 10 lot of times it would be, you know, second week of  
11 November. And I recall in October working 21 days  
12 straight.  
13 Q. And as the ex-chief of staff, do you know what  
the 14 rules and regulations are to the amount of time  
required to 15 be put in by a full-time employee of a congressional  
staff? 16 A. I believe it was eight hours a day, 40 hours a  
week.  
17 Q. That was your impression?  
18 A. Yeah, that was my impression.  
19 Q. Did you ever check to verify that at any time?  
20 A. No. But I think I had it pointed out to me.  
21 Q. Okay. It was sort of like a policy, right?  
22 A. Yeah.

- 23 Q. Okay. Your understanding at least, right?
- 24 A. Right.
- 25 Q. You also dealt with some budget items; is that

1 correct?

2 A. Yes.

3 Q. Is that not a very important aspect to a  
district

4 that a member represents?

5 A. When you say budget, do you mean office budget  
or --

6 Q. Office budget and budgetary matters?

7 A. And budgetary matters, yes.

8 Q. Isn't it a fact that much of the law comes  
through

9 the budget that's approved by Congress?

10 A. Yes.

11 Q. So during that process, the Congress would be  
12 heightened to get their, say, wouldn't they?

13 A. That's right.

14 Q. Were we one of the most active offices in that  
15 regard?

16 A. Yes, we were very active.

17 Q. Were there times where I had even arguments with  
some

18 committee chairmen?

19 A. Yes.

20 Q. Do you remember one with a member by the name of  
Ron

21 Sinkowski?

22 MR. MORFORD: Objection.

23 MR. TRAFICANT: I'll rephrase the  
question.

24 THE COURT: Well, I don't know that it  
needs

25        rephrasing.

1 MR. TRAFICANT: Pardon?

2 THE COURT: Why don't we have a side  
bar?

3 (The following proceedings were held at side  
bar:)

4 THE COURT: You can state your reason  
for the

5 objection.

6 MR. MORFORD: Again, your Honor, it was  
a

7 hearsay objection, that he's asking about what this  
witness

8 heard him say to Ross Sinkowski and Ross Sinkowski say  
to

9 him.

10 MR. TRAFICANT: I don't think that's  
what I

11 said. I asked: Did you ever hear me having arguments  
with

12 committee chairmen. He said yes. I said you remember  
one

13 with Chairman Ross Sinkowski.

14 THE COURT: That was his question.

15 MR. MORFORD: Also, just the relevance  
how

16 that relates to anything that's --

17 MR. TRAFICANT: I mean, you questioned  
on my

18 motives, and where I'm going with my defense now.

19 MR. MORFORD: But you have to show  
relevance.

20 MR. TRAFICANT: I am showing relevance.

21 THE COURT: Okay. Tell me the relevance  
of

22 Ross Sinkowski.

23 MR. TRAFICANT: I was very aggressive.

24 There was a tremendous area developing in the press  
over

25 IRS legislation I sponsored that he completely  
objected to.

1 THE COURT: When was that?

2 MR. TRAFICANT: Over that period of  
years, it

3 was a period of 12 years, also.

4 THE COURT: When he was there?

5 MR. TRAFICANT: Part of it when he was  
there.

6 I don't know, that's why I'm asking.

7 THE COURT: See, that's the thing you  
need to

8 do. You need to establish that this witness has some

9 personal knowledge of what you're about to talk about.  
Not

10 just the -- something happened.

11 MR. TRAFICANT: If I were to ask were  
you

12 there when I had an argument with Dan Ross Sinkowski,  
that

13 would be testifying, wouldn't it? What did I say?

14 THE COURT: It would be saying you had  
an

15 argument.

16 MR. TRAFICANT: Do you have any  
knowledge

17 that I --

18 THE COURT: You need to lay some kind of

19 basis so we know why it's relevant to the case, to the  
case

20 about you.

21 MR. TRAFICANT: Okay.

22 MR. MORFORD: My objection is it sounds  
like

Sinkowski 23 what' he's saying he had an argument with Ross  
that, 24 back sometime before 1993, and then as a result of  
result of 25 the papers were saying things about him, and as a



1           that, we came along in 1999 and --

going.       2                       THE COURT:  I don't know where it's

3                       MR. TRAFICANT:  No.

see          4                       MR. MORFORD:  That's why I said I don't

5           the relevance.

issue        6                       MR. TRAFICANT:  Relevance deals with an

time         7           about my staff, about staff hours, staff work, the

that we      8           they put in, the type of efforts, the types of work

9           did.

10                       THE COURT:  Um-hum.

occurred    11                       MR. TRAFICANT:  How unusual things

12           that took much of our time.

13                       THE COURT:  You can ask him did anything

can ask     14           unusual occur.  Ask him the questions openly so you

15           it.

the         16                       MR. MORFORD:  Again, I don't understand

hours of    17           relevance how an argument with Dan Ron affects the

argument    18           staff.  He has yet to explain any relevance after

19           with Dan.

20                       MR. TRAFICANT:  I'm not done with my

21           cross-examination.  I don't know what you're mumbling

22           about.

23 THE COURT: Because you should be  
24 cross-examining on something that is -- was brought  
out in  
25 direct examination.

1 MR. TRAFICANT: Yes. But I'm not just  
2 limited to direct examination on cross, your Honor.

3 THE COURT: But you are limited to  
something 4 this guy would have some understanding about.

5 MR. TRAFICANT: Yes, yes. But I did  
6 establish that by saying isn't it a fact that I had  
some 7 arguments with some powerful committee chairmen, and  
he 8 said yes.

9 THE COURT: And you can ask him which  
ones. 10 Was he there for something?

11 MR. MORFORD: Again, what's the  
relevance of 12 that?

13 THE COURT: I don't know. Let's see  
where he 14 goes with that. At least use the witness

15 (Proceedings resumed within the hearing of the  
jury:) 16

BY MR. TRAFICANT:

17 Q. West, do you remember incidents where I had some  
18 confrontation arguments with powerful chairmen?

19 A. Yes.

20 Q. Do you happen to recall any of their names?

21 A. Yes.

22 Q. Would you give us those names?

23 A. Chairman Ross Sinkowski, for example, was one.  
There

24        were -- there were a number of other chairmen as well.

25        Q.        Did those types of events cause our staff to  
work

1 harder on legislative issues?

2 A. I suppose you could say so in some instances.

3 Q. Now, at some point, did you respond to the

4 Government's question that you felt that Henry  
DiBlasio was

5 an excellent, valuable resource to the office?

6 A. Yes.

7 Q. Did you have contact with Henry DiBlasio  
relative to

8 Henry DiBlasio's relationship and discussions with me?

9 A. I believe so.

10 Q. Well, when I was in the district -- in the D.C.

11 office, whom did I basically communicate with above  
all

12 others?

13 A. Me, when I was there.

14 Q. When you were chief of staff?

15 A. Right.

16 Q. Now, to the best of your knowledge, when I was  
in the

17 district, do you have any knowledge as to whom I spent  
or

18 would have conferred most with when I was in the  
District

19 Office?

20 A. It was my impression that that person would be

21 Charles O'Nesti.

22 Q. That was your impression?

23 A. That was my impression.

24 Q. Chuck was more outgoing, was he not?

25      A.      Yes.

1 Q. He sought public attention, would you say that?  
2 A. Yes.  
3 Q. What was your impression of Henry DiBlasio  
relative  
4 to that demeanor?  
5 A. Henry was more reserved. Very professional.  
6 Q. Would you say that he did not seek public  
limelight?  
7 A. I would agree with that.  
8 Q. Now, do you have knowledge that I had settled  
many  
9 strikes in our Valley?  
10 A. Yes.  
11 Q. And some of those strikes went around the clock  
for  
12 five days with little sleep?  
13 A. Correct, yes.  
14 Q. Did you have any knowledge that Henry DiBlasio  
15 participated in those strike negotiations?  
16 A. I believe so.  
17 Q. And when there was a legal issue of concern, be  
it  
18 legislation or else, whom would you call?  
19 A. Well, if you were in the office, I would call  
you.  
20 Q. Well, I am not an attorney?  
21 A. Right. I would bring it to your attention  
first.  
22 But if it was -- it was a legal issue, I would -- I  
would  
23 contact Henry, and if I couldn't get through to Henry,  
then

24 I would go through Mr. O'Nesti.

25 Q. So Henry DiBlasio was the top boss, right?



1 A. Right.

2 Q. Chuck O'Nesti was like the district director  
3 underneath Mr. DiBlasio?

4 A. Right.

5 Q. Yeah. Over the years you were chief of staff,  
6 weren't there some people that wanted your job, would  
you  
7 say?

8 A. I would say -- yeah, I would say so. I would  
say  
9 that it's fairly typical of any Washington and  
10 congressional staff, yeah.

11 Q. Let's get back to the Bucheit matter. Were you  
12 concerned that the letter that I had sent, that I had  
sent  
13 to the Prince relative to that matter, was harsh as it  
were  
14 sent to the Secretary of State of the United States?

15 A. I -- you know, I think my impression of that  
letter  
16 was that it was perhaps a little harsh, but you know,  
at  
17 the time, I mean, it seemed like a pretty important  
matter  
18 and that, you know, along with the other companies  
that had  
19 been away for years and years by the Government, I  
mean it  
20 was fairly important issue.

21 Q. So in that letter, even though it was sent to  
the  
22 Secretary of State, it questioned why the United  
States

23 State Department and the United States Congress  
Department

24 failed to do anything for my constituents. Is that a  
fact?

25 A. Yes.

do 1 Q. Did the State Department, Congress Department,  
2 anything to help Mr. Bucheit, to the best of your  
3 knowledge?  
4 A. No.  
5 Q. Do you have any knowledge of any tactic that I  
6 employed to try and bring a process of negotiation to  
the 7 table?  
8 A. Can you restate the question, please?  
9 Q. Do you have any knowledge of any tactic or ploy  
I 10 used in the press to bring about the possibility of  
being 11 able to get this Prince to a table to mediate and  
resolve 12 the problem with Bucheit?  
13 A. It's a long time ago, but I -- I recall that you  
felt 14 that the media was probably the best way to get  
attention 15 for the issue.  
16 Q. And to the best of your knowledge, did I suggest  
any 17 actions by the Bucheits to take legally?  
18 A. I can't -- I can't recall exactly. But I think  
--  
19 THE COURT: Well, if you can't recall,  
you 20 can't recall.  
21 THE WITNESS: I can't recall.  
22 MR. TRAFICANT: Okay. That's fine.

23 BY MR. TRAFICANT:

24 Q. Now, but after the press ploy, let's call it,  
what

25 happened from there?

1 A. I think the --

2 MR. MORFORD: Your Honor, can we  
 approach the

3 side bar for a moment?

4 MR. TRAFICANT: For what?

5 THE COURT: Just a minute, Mr.  
 Traficant.

6 THE COURT: Regarding this question?

7 MR. MORFORD: Yes. There's an issue  
 that I

8 think the Court needs to be aware of.

9 THE COURT: I'm going to recess the jury  
 for

10 the day and see if we can get this straightened out.  
 I

11 have some really good news for you guys, going to make  
 you

12 happy, I think.

13 Next week, Wednesday, Thursday, and Friday,  
 which are

14 the last two days of February and the first day of  
 March,

15 we are going to devote those days to something that  
 will

16 not -- we do not need the jury's presence to do. And  
 so

17 you're going to get a sort of mid trial break of three  
 18 days.

19 We will be in here for the rest of this week  
 until

20 noon on Friday, and we'll be back here on Monday and  
 21 Tuesday. But we're trying to schedule your time so  
 you

of 22 don't have a lot of interruptions, and there is a part  
needs 23 this that the work of the lawyers and the Court that  
time. 24 to go on, and so you're going to have this breaking  
know 25 So I'm telling you now so you can make plans for -- I

1           it's next week, but it's a period maybe you can use.  
2           Other than that, remember your admonitions, and  
we  
3           will release you now and see you tomorrow morning in  
time  
4           to be up here and work at 9:00. Okay? It's nice  
outside.  
5           THE COURT: Let the witness down.  
6           MR. MORFORD: It would be best if he's  
not in  
7           the room for this point.  
8           THE COURT: Just come down and go back  
to  
9           where you were, one of the rooms that he was in.  
10          (Witness excused).  
11          MR. MORFORD: Your Honor, this -- I'm  
sorry.  
12          THE COURT: Yes, sir.  
13          MR. MORFORD: My request for a side bar  
was  
14          not an objection to the question. It was a concern,  
and I  
15          wanted to make sure that Congressman Traficant  
understood  
16          where he's going because he's asking open-ended  
questions,  
17          what was my tactic to get the Saudis to the table,  
what was  
18          my tactic to get this matter settled.  
19          He has raised the issue of speech of a  
privilege, and  
20          I believe that a complete and truthful answer from  
this

21 witness would be your tactic was, Number 1, to  
threaten the

22 Saudis with legislation to hold up funding of F-15 war

23 planes.

24 MR. TRAFICANT: That wasn't it.

25 MR. TRAFICANT: And to -- well, I'm  
telling



witnesses 1 you what my understanding is from documents and  
2 and a threat to both congressional hearings that would  
and 3 embarrass the Saudis and were, in fact, hearings held,  
4 that's where I was going --  
5 THE COURT: Actually, there was  
the 6 correspondence, Congressman, as you remember, among  
on. 7 documents that you asserted speech debate privilege  
one 8 That related to this. There was, at least, a letter,  
looking at 9 document that was the subject of several judges  
10 whether or not it was speech in debate.  
11 MR. TRAFICANT: You allowed it in so now  
I 12 can't use it?  
13 MR. MORFORD: No, you can --  
14 THE COURT: No, I think you can use it.  
15 MR. TRAFICANT: Okay. Let me respond,  
if I 16 could.  
17 THE COURT: Okay. I'm not really clear  
yet 18 about what it is he's saying.  
19 MR. MORFORD: All I was trying to do is  
--  
20 and I never talked to this particular witness about  
this --  
21 but I have talked to others -- is to make sure  
Congressman

about 22 Traficant understands that the question he's asking  
would 23 the tactics he used to bring the Saudis to the table  
embarrass 24 involve congressional hearings that were held to  
25 the Saudis and legislation he proposed to pressure the

he was 1 Saudis, and I wanted to make sure with the questions  
2 asking and the way he was asking them he certainly --  
3 there's no restriction on him to bring out those  
speech 4 legislative matters, but once he goes, he waived  
5 debate privileges to those matters, and I was trying  
to 6 make sure he understood the questions he was asking  
might 7 end up getting us there, that was all.  
8 MR. TRAFICANT: Well, I appreciate you  
trying 9 to protect my rights. Thank you. And I'd like to  
respond. 10 The Bucheit matter is very important. Bucheit  
is 11 under indictment. I've been informed that his  
daughter and 12 son are being threatened with indictments now.  
13 I am on charge with -- one of my charges of  
these ten 14 counts involves the Bucheit Corporation, quite  
frankly, no 15 one in Congress will have a hearing because they're  
afraid 16 of losing their oil. I didn't offer any legislation.  
The 17 question I asked was: Did I employ any legal tactics?  
Did 18 I involve the Bucheits to employ any legal tactics  
with the 19 Prince, and that was to file a civil RICO that would  
take

into 20 this Prince's diplomatic pass away and not allow him  
21 America. That was the purpose for it.  
22 Now I am trying to establish that they're saying  
Bucheit 23 Bucheit gave me kickbacks, and I'm going into the  
24 matter completely, and I'm not going to be continued  
to be 25 disrupted on questions that are absolutely relevant.

1 THE COURT: Well, actually, though, the  
2 questions you were going forward on could involve your  
3 whole speech or debate issue, and the notion of you  
waiving  
4 that privilege after all of the attention it's  
received by  
5 this Court and the Sixth Circuit Court is something  
that  
6 you need to consider very carefully.

7 MR. TRAFICANT: Let me respond. How can  
I  
8 violate the speech and debate clause of the Congress  
of the  
9 United States if the legal tactic was printed in the  
10 Washington Post? It's not subject to speech or  
debate.

11 THE COURT: I don't understand what  
you're  
12 referring to.

13 MR. TRAFICANT: The tactic I employ was  
a  
14 press release that was printed in the Washington Post.

15 THE COURT: Okay.

16 MR. TRAFICANT: And when the Saudis saw  
it  
17 and they had 16 other claims totaling almost a billion  
18 dollars, they had a bowel movement, and they sat down  
at  
19 the table. That's the bottom line here.

20 THE COURT: Is that what you're going  
toward?

21 MR. TRAFICANT: Yes, exactly.

you're 22 THE COURT: That he -- is that why  
23 asking this witness that?  
that 24 MR. TRAFICANT: I don't know if he knew  
25 or not. No, I don't know. I just asked him, do you  
know



1           what the legal tactic was I employed?

2                       THE COURT: But there has to be some  
basis

3           for your putting questions to particular witnesses.

4                       MR. TRAFICANT: He was my chief of  
staff.

5                       THE COURT: When? During the time you  
did

6           this?

7                       MR. TRAFICANT: That's what I asked him,  
8           during the --

9                       THE COURT: Don't you know when --

10                      MR. TRAFICANT: I asked him to read the  
time.

11           Did he recall any legal tactic I employed?

12                      THE COURT: Yeah.

13                      MR. TRAFICANT: Did I not? We have to  
read

14           the question back.

15                      THE COURT: I guess we should.

16                      "Do you have any knowledge of any tactic or ploy  
I

17           used in the press to bring about the possibility of  
being

18           able to get this Prince to a table to mediate and  
resolve

19           the problems with Bucheit?"

20                      And the answer was "it's a long time ago. I  
recall

21           you felt that the media was probably the best way to  
get

22           attention for the issue."



your 23           Then you asked, "and to the -- to the best of  
to 24           knowledge, did I suggest any actions by the Bucheits  
25           take legally?" And the answer was "I can't recall

1 exactly." So there we are.

2 MR. TRAFICANT: Then there was the  
objection.

3 MR. MORFORD: I think there was a later  
4 question, your Honor -- that wasn't an objection.

5 THE COURT: Okay. Oh, wait. And then  
you  
6 say -- "but now, after the press ploy, let's call it,  
what  
7 happened from there?"

8 MR. TRAFICANT: Yes.

9 THE COURT: That was the question. And  
10 that's the question when he -- when Mr. Morford said  
can we  
11 approach the side bar.

12 MR. MORFORD: And again, your Honor, I'm  
not  
13 objecting if he wants to do this. I just think he  
ought to  
14 do it knowingly and intelligently because one of the  
things  
15 they did involved the very speech or debate that he  
has  
16 filed many motions with this Court to keep out of this  
17 trial, and that was my only point. It wasn't an  
objection.

18 It was to make sure the Congressman knew where he was  
19 going.

20 THE COURT: Yeah.

21 MR. TRAFICANT: I want to respond while  
it's

frankly, 22       timely. I had seen here in an exhibit that, quite  
23       the general counsel of the United States House of  
24       Representatives said was violation of speech and  
debate 25       clause.

1 THE COURT: Yes.

2 MR. TRAFICANT: That letter to the  
Secretary

3 of State from a member of Congress was protected by  
the  
4 speech and debate clause. That was overruled.

5 THE COURT: Right.

6 MR. TRAFICANT: I never even looked at  
any of

7 it. I had my staff send it to the general counsel.  
They

8 determined, which they felt it was. Now they put it  
up as

9 an exhibit. I attempt to use it as an exhibit, and in  
10 fact --

11 THE COURT: It's not the same letter. I  
12 don't think it's the same letter.

13 MR. TRAFICANT: The letter to the  
Secretary  
14 Baker?

15 THE COURT: The one that they put up  
here is

16 not the one that we considered on speech and debate.  
One

17 of them that was considered on speech and debate was a  
18 different letter, and it was to the Prince, I think --

I  
19 think that's the one. This is not that one that  
they're

20 using here. This is a different one.

did 21 MR. TRAFICANT: So the general counsel  
22 not include it is what you're saying in the record?  
general 23 THE COURT: I don't know about the  
24 counsel. House counsel is not on the docket in this  
case 25  
or 25 and has not been involved in this case. In the speech

1 debate issue since the case has been --

2 MR. TRAFICANT: It was turned over to a  
3 Magistrate, and a Magistrate made a ruling.

4 THE COURT: All right. But the House  
counsel  
5 is not on the docket in this case representing  
anybody.

6 MR. MORFORD: Your Honor, to clear up  
the  
7 record, Government's Exhibit 7-2, the March 19, 1990,  
8 letter from Congressman Traficant to James Baker was  
given  
9 to us by Congressman Traficant's office. It was  
10 addressed -- and Congressman Traficant did not object  
to  
11 the Magistrate's decision as to this document.

12 THE COURT: Right.

13 MR. MORFORD: That's all done, and --

14 MR. TRAFICANT: The decision had already  
been  
15 made on the speech and debate clause.

16 MR. MORFORD: Your Honor, we don't need  
to  
17 revisit that. I am not objecting to the Congressman  
asking  
18 any of these questions. I just want to make sure,  
given  
19 court language in the cases that were cited in the  
prior  
20 motions and responses on speech or debate that require  
the  
21 Congressman to make an intelligent waiver of his  
speech or

to 22 debate, that if he goes down this road, he is likely  
fought so 23 waive the speech or debate privilege that he has  
24 hard to keep.  
25 THE COURT: I am -- I think he now

1 understands this.

2 MR. TRAFICANT: I don't think you should

3 assume whatever I understand.

4 THE COURT: Okay.

5 MR. TRAFICANT: Here's what I know. I

have

6 no speech and debate privilege in this case. You have

7 basically allowed anything they wanted in. That's

been the

8 ruling of this Court. Now, they put an exhibit up

that

9 was, in fact, a defense exhibit. I have lost every

speech

10 and debate clause and, in fact, have a pending case in

the

11 Sixth Circuit court relative to, in fact, amending the

12 constitution about the rulings of this Court. Now --

not

13 to offend you --

14 THE COURT: Well, I don't feel offended.

15 MR. TRAFICANT: I'm not offending; I'm

trying

16 to make my case.

17 THE COURT: We're talking about

different

18 documents, and if you want to talk about different

19 documents, if you already --

20 MR. TRAFICANT: This is related to that

21 document.



put 22 THE COURT: Well, this document that was  
and 23 up here today was not part of our analysis on speech  
24 debate.  
25 MR. TRAFICANT: I believe it was  
submitted by

1 the general counsel to be protected by the speech and  
2 debate clause.

3 THE COURT: Congressman.

4 MR. TRAFICANT: Yes.

5 THE COURT: I don't really understand  
where  
6 you're going with your speech or debate issues, but  
while  
7 we're on this topic, let's go back and see what these  
8 exhibits were. I am going ask them to put the  
exhibits  
9 back up so you can see them, and I can see them, the  
10 exhibits that relate to this correspondence.

11 MR. TRAFICANT: To Baker.

12 THE COURT: To Saudi Arabia.

13 MR. MORFORD: Yes, your Honor, it's  
right  
14 here. It'll probably take a minute for that to warm  
up.  
15 Your Honor, I would note for the Court if you  
look in  
16 the bottom right-hand corner of this document, 7-2,  
there's  
17 a Bates number 001187, which is the Bates number that  
House  
18 counsel and Mr. Marccone, the chief of staff of  
Congressman  
19 Traficant, put on these documents when they sent them  
to us  
20 as documents that they were not raising speech or  
debate  
21 on.

nothing 22 MR. TRAFICANT: I object to -- I had  
counsel. 23 to do with that. That was Mr. Marcone and House  
now 24 THE COURT: Right. We're just waiting  
25 for the projector.

1 THE COURT: Is this 7-2?

2 MR. MORFORD: Yes, your Honor.

3 THE COURT: I think this was a letter  
4 considered by the Magistrate judge. There was no  
objection  
5 in the Magistrate judge -- the Magistrate judge made a  
6 report and recommendation. There was no objection to  
the  
7 report and recommendation filed by you. And then I  
8 independently reviewed these documents. I think this  
is  
9 one that the Magistrate judge wrote down.

10 MR. MORFORD: That I'm not sure.

11 THE COURT: But there was no objection.

12 MR. MORFORD: That I'm not sure, your  
Honor,  
13 because -- I don't have the list of documents in front  
of  
14 me, but because this came from House counsel as one of  
the  
15 documents they gave us as opposed to the ones withheld  
as  
16 privileged and because there's nothing in here that's  
17 privileged, I don't know if we raised it or not, but  
18 Congressman Traficant certainly had it and could have  
19 raised it at any point he believed it to be  
privileged,  
20 which it's not.

21 MR. TRAFICANT: You said it was Defense  
22 Exhibit. It says Government's Exhibit. Is there also  
a

23 defense exhibit?

24 MR. MORFORD: If I stated Defense  
Exhibit, I

25 misspoke.

the 1 THE COURT: I think he was talking about  
2 Bates number at the bottom of the letter; is that  
correct.

3 MR. MORFORD: Yes, 001187.

in 4 MR. TRAFICANT: No. I think you said,  
5 fact, it was my own exhibit that I was now  
questioning,  
6 that you were objecting to, that I, in fact, submitted  
the  
7 document as an exhibit.

8 THE COURT: Okay. I think now -- I  
think we  
9 can close this down. We just want to say one other  
thing  
10 to you, Congressman, because I want to make sure you  
11 understand this when we talk about this issue of  
whether or  
12 not you're waiving speech or debate clause issues.

13 It's true that I made certain rulings. The  
14 Magistrate judge made certain rulings. I made certain  
15 rulings. The Sixth Circuit makes rulings on that.  
You  
16 retained the right to appeal all those rulings.

17 MR. TRAFICANT: I have.

18 THE COURT: Okay? Good. Well, you  
sound  
19 like you feel as if you've given it up, but you  
haven't  
20 given that up?

21 MR. TRAFICANT: No, I haven't, but  
here's

22           what I do --

23                           THE COURT:  Make sure you don't.

24                           MR. TRAFICANT:  Here's what I do not  
want to

25           happen in this courtroom.

1                   He's been jumping up like a jumping jack, and  
he's  
2                   brought a charge of Count -- whatever it is -- on  
Bucheit.  
3                   And he made a big issue out of this particular letter.  
And  
4                   there's no doubt in the mind, trying to place the  
jury's  
5                   mind, how successful it was showing that I was able to  
6                   mediate this thing and the press release. So  
therefore,  
7                   Mr. Bucheit would be so happy he would have built me a  
8                   Taj Mahal, wouldn't he?

9                   THE COURT: I think you said that  
beforehand.

10                  MR. TRAFICANT: The point is, I have a  
right  
11                  not to have to discuss my defense, but I have a right  
to,  
12                  at least, pursue a defense relative to not even if  
they  
13                  offered an exhibit on an issue that would deal with  
14                  Bucheit. And that's my concern.

15                  THE COURT: Okay. Well, we have a  
witness on  
16                  the stand here, and this witness is going to be  
subject to  
17                  further cross-examination and maybe further  
examination  
18                  tomorrow.

19                  It's late in the day. So we're going to recess  
and



tomorrow 20 send that witness on his way and bring him back  
21 morning at 9:00.  
that 22 As I understand your objection to this question  
23 we finally dug out of the record, which has to do with  
the 24 press something or other, that he's asking --  
25 MR. MORFORD: No.

985

you 1 THE COURT: Your objection was really  
2 were concerned about something different.  
All 3 MR. MORFORD: It was not an objection.  
4 it was was Congressman Traficant asked an open-ended  
5 question about things that were done to get the Saudis  
to 6 the table, and I asked for a side bar, not objecting,  
7 make sure that he understood because I --  
8 THE COURT: Okay.  
witnesses 9 MR. MORFORD: I instructed these  
10 not to testify about legislative acts, and he  
understood 11 that he might be stumbling into that area and waiving  
his 12 privilege, that was all.  
13 THE COURT: Okay.  
14 MR. TRAFICANT: Your Honor, I understood  
that 15 when we wanted went to side bar, we would object, and  
you 16 would handle all objections at side bar. Look, he's  
either 17 asking for a side bar or objection, but they're both  
one 18 and the same in this trial.  
19 THE COURT: Not exactly. When a jury is  
in 20 the box and you have a side bar and you do it off the  
21 record basically, we do it out of the hearing of the  
jury.

the  
way

22       And it's on the -- it's on the transcript.  It's on  
23       written transcript, but it's not talking out loud the  
24       we do when the jury is here.  
25                   MR. TRAFICANT:  But, when there is an

1 objection, there could be a side bar?

2 THE COURT: There could be. Maybe there

3 won't be. Sometimes I'll just sustain the objection

or

4 overrule it.

5 MR. TRAFICANT: Well, when I see him

jump up,

6 I assume he's objecting. I don't think he's standing

up to

7 get exercise.

8 THE COURT: Okay. There's been a lot of

9 jumping up here at the end of this day. Everybody get

some

10 rest, and we'll start out 9:00 in the morning. I need

you

11 here at 8:30. Thank you.

12 MR. SMITH: Good night, your Honor.

13 (Proceedings adjourned.)

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777 1 DIRECT EXAMINATION OF RICHARD JERAN.....

784 2 CROSS-EXAMINATION OF RICHARD JERAN.....

795 3 REDIRECT EXAMINATION OF RICHARD JERAN.....

795 4 RECROSS-EXAMINATION OF RICHARD JERAN.....

797 5 DIRECT EXAMINATION OF NICHOLAS CHUIRAZZI.....

804 6 CROSS-EXAMINATION OF NICHOLAS CHUIRAZZI.....

818 7 DIRECT EXAMINATION OF CHRISTOPHER WHITEHEAD.....

824 8 CROSS-EXAMINATION OF CHRISTOPHER WHITEHEAD.....

840 9 REDIRECT EXAMINATION OF CHRISTOPHER WHITEHEAD.....

841 10 RECROSS-EXAMINATION OF CHRISTOPHER WHITEHEAD.....

11 DIRECT EXAMINATION OF JOSEPH  
ALTIERO.....845

12 CROSS-EXAMINATION OF JOSEPH  
ALTIERO.....859

13 REDIRECT EXAMINATION OF JOSEPH  
ALTIERO.....878

14 RECROSS-EXAMINATION OF JOSEPH  
ALTIERO.....881

904 15 DIRECT EXAMINATION OF HAYDEN WEST RICHARDS.....

944 16 CROSS-EXAMINATION OF HAYDEN WEST RICHARDS.....

17 C E R T I F I C A T E

18 I certify that the foregoing is a correct

19 transcript from the record of proceedings in the

20       above-entitled matter.

21

22       \_\_\_\_\_  
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